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Commission on Crime Prevention and Criminal Justice

Report on the nineteenth session (4 December 2009 and 17-21 May 2010)

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The report of the Commission on Crime Prevention and Criminal Justice on its reconvened nineteenth session, to be held on 3 December 2010, will be issued as *Official Records of the Economic and Social Council, 2010, Supplement No. 10A* (E/2010/30/Add.1) in English, French and Spanish only. The Arabic, Chinese and Russian versions of the report on the reconvened session will be issued as document E/2010/30/Add.1.

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Strengthening crime prevention and criminal justice responses to violence against women

The General Assembly,

Reaffirming the Declaration on the Elimination of Violence against Women[1] and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women,[2] and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women,

Reaffirming also the Programme of Action of the International Conference on Population and Development,[3] as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender, equality, development and peace for the twenty-first century",[4] and the declarations adopted at the forty-ninth and fifty-fourth sessions of the Commission on the Status of Women,[5]

Recognizing that the term "women", except where otherwise specified, encompasses "girl children",

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[6] and other international human rights instruments and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

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[1] General Assembly resolution 48/104.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] Assembly resolution S-23/2, annex, and resolution S-23/3, annex.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

[6] United Nations, *Treaty Series*, vol. 1249, No. 20378.

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms for all, including women and girls, and must exercise due diligence to prevent and investigate acts of violence against women and girls and punish the perpetrators, eliminate impunity and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Emphasizing the importance of preventing violence against migrant women through the implementation, inter alia, of measures aimed at combating racism, xenophobia and related forms of intolerance,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the targeting or particular vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and women victims of commercial sexual exploitation,

Greatly concerned that some groups of women, such as migrant women, refugees and women in detention, in situations of armed conflict or in territories under occupation, might be more vulnerable to violence,

Recognizing that women's poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social policies and from the benefits of sustained development, can place them at increased risk of violence and that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Reaffirming its resolution 52/86 of 12 December 1997, in which it adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

Recalling its resolutions 61/143 of 19 December 2006, 62/133 of 18 December 2007, 63/155 of 18 December 2008 and 64/137 of 18 December 2009 on the intensification of efforts to eliminate all forms of violence against women,

Recalling also the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[7] adopted at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in which Governments recognized that comprehensive crime prevention strategies could significantly reduce crime and victimization and urged that such strategies be developed at the local, national and international levels and that they, inter alia, take into account the Guidelines for the Prevention of Crime,[8] and emphasized the importance of promoting the interests of victims of crime, including taking account of their gender,

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[7] Assembly resolution 60/177, annex.

[8] Economic and Social Council resolution 2002/13, annex.

Taking note of Human Rights Council resolution 11/2 of 17 June 2009, entitled "Accelerating efforts to eliminate all forms of violence against women",

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[9] as well as the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Expressing deep concern about the pervasiveness of violence against women in all its forms and manifestations worldwide, and reiterating the need to intensify efforts to address that challenge,

Recognizing that effective and integrated criminal justice responses to violence against women require close cooperation among all key stakeholders, including law enforcement officials, prosecutors, judges, victim advocates, health professionals and forensic scientists,

Stressing the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women,

Recalling the joint dialogue of the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice on addressing violence against women through legal reform, held in New York on 4 March 2009 in the framework of the fifty-third session of the Commission on the Status of Women,

Recalling also Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008, in which the Commission requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts with equitable geographical representation, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, the Commission on the Status of Women and the Special Rapporteur on violence against women, its causes and consequences, to review and update, as appropriate, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

1. *Strongly condemns* all acts of violence against women, whether those acts are perpetrated by the State, by private persons or by non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State;

2. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

3. *Takes note with appreciation* of the work done at the meeting of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, held in Bangkok from 23 to 25 March 2009;[10]

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[9] United Nations, *Treaty Series*, vol. 2187, No. 38544.

[10] E/CN.15/2010/2.

4. *Adopts* the guidelines in the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution;[11]

5. *Urges* Member States to end impunity for violence against women by investigating, prosecuting with due process and punishing all perpetrators, by ensuring that women have equal protection under the law and equal access to justice and by holding up to public scrutiny and countering those attitudes that foster, justify or tolerate any form of violence against women;

6. *Also urges* Member States to enhance their mechanisms and procedures for protecting victims of violence against women in the criminal justice system, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[12] and to provide to that end specialized counselling and assistance;

7. *Calls upon* Member States to advance effective crime prevention and criminal justice strategies that address violence against women, including strategies aimed at preventing revictimization by, inter alia, removing barriers that prevent victims from seeking safety, including barriers related to custody of children, access to shelter and availability of legal assistance;

8. *Also calls upon* Member States to develop and implement crime prevention policies and programmes to promote the safety of women in the home and in society at large in a manner that reflects the realities of women's lives and addresses their distinct needs, taking into account, inter alia, the Guidelines for the Prevention of Crime[13] and the important contribution that educational and public awareness-raising initiatives provide to the promotion of the safety of women;

9. *Urges* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices relating to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the updated Model Strategies and Practical Measures, to determine if they are adequate to prevent and eliminate violence against women or if they have a negative impact on women and, if they do, to modify them in order to ensure that women enjoy fair and equal treatment;

10. *Also urges* Member States to take into account the special needs and vulnerabilities of women within the criminal justice system, especially women in detention, pregnant inmates and women with children born in detention, including through the development of policies and programmes to address such needs, taking into account relevant international standards and norms;

11. *Further urges* Member States to recognize the needs and special vulnerabilities of women and children in situations of armed conflict and in post-conflict situations, migrant women, refugee women and women subject to forms of violence because of their nationality, ethnicity, religion or language;

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[11] See *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), para. 150.

[12] Assembly resolution 40/34, annex.

[13] Council resolution 2002/13, annex.

12. *Urges* Member States to provide appropriate assistance to women victims of violence, including by ensuring that those women have access to adequate legal representation where appropriate, in particular so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law;

13. *Invites* Member States to establish a multidisciplinary, coordinated response to sexual assault that includes specially trained police, prosecutors, judges, forensic examiners and victim support services to contribute to the well-being of the victim and increase the likelihood of the successful apprehension, prosecution and conviction of the offender and to prevent revictimization;

14. *Encourages* Member States to design and support programmes to empower women, both politically and economically, in order to assist in preventing violence against women, in particular through their participation in decision-making processes;

15. *Calls upon* Member States to set up and strengthen mechanisms for the systematic collection of data on violence against women with a view to assessing the scope and prevalence of such violence and to guiding the design, implementation and funding of effective crime prevention and criminal justice responses;

16. *Urges* Member States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and on the impact and effectiveness of policies and programmes for combating violence, and, in that context, welcomes the establishment of the Secretary-General's coordinated database on violence against women,[14] and urges Member States and the United Nations system to regularly provide information for inclusion in the database;

17. *Calls upon* the United Nations Office on Drugs and Crime to support national efforts to promote the empowerment of women and gender equality in order to enhance national efforts to eliminate violence against women, including by strengthening throughout its programme of work its crime prevention and criminal justice efforts in response to violence against women;

18. *Urges* the United Nations Office on Drugs and Crime and Member States and invites the institutes of the United Nations crime prevention and criminal justice programme network to continue to offer training and capacity-building opportunities, in particular for practitioners working in the area of crime prevention and criminal justice and providers of support services to victims of violence against women, and to make available and disseminate information on successful intervention models, preventive programmes and other practices;

19. *Requests* the United Nations Office on Drugs and Crime to intensify its efforts to ensure the widest possible use and dissemination of the updated Model Strategies and Practical Measures, including through the development or revision of relevant tools, such as handbooks, training manuals, programmes and modules, including online capacity-building modules for each section of the updated Model

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[14] Available from www.un.org/esa/vawdatabase.

Strategies and Practical Measures, as an efficient and practical way to disseminate the relevant content, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

20. *Invites* the United Nations Office on Drugs and Crime to strengthen coordination in its activities in the area of violence against women with other relevant entities of the United Nations system, particularly the United Nations Development Fund for Women, the Division for the Advancement of Women of the Secretariat, the United Nations Children's Fund, the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights, and the Special Rapporteur on violence against women, its causes and consequences, as well as other relevant intergovernmental and non-governmental organizations, so as to make efficient use of the financial, technical, material and human resources in the application of the updated Model Strategies and Practical Measures;

21. *Also invites* the United Nations Office on Drugs and Crime to cooperate with the Department of Peacekeeping Operations of the Secretariat in the development of training material based on the updated Model Strategies and Practical Measures for military, police and civilian personnel of peacekeeping and peacebuilding operations;

22. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the implementation of the present resolution.

Annex

Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

Preamble

1. The multifaceted nature of violence against women necessitates different strategies to respond to the diverse manifestations of violence and the various settings in which it occurs, both in private and public life, whether committed in the home, the workplace, educational and training institutions, the community or society, in custody or in situations of armed conflict or natural disaster. In the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, the importance of adopting a systematic, comprehensive, coordinated, multisectoral and sustained approach to fighting violence against women is recognized. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to address violence against women. Except where otherwise specified, the term "women" encompasses "girl children".

2. Violence against women exists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace. Violence against women is rooted in historically unequal power relations between men and women. All forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and have serious immediate and long-term implications

for health, including sexual and reproductive health, for example through increased vulnerability to HIV/AIDS, and public safety, and have a negative impact on the psychological, social and economic development of individuals, families, communities and States.

3. Violence against women is often embedded in and supported by social values, cultural patterns and practices. The criminal justice system and legislators are not immune to such values and thus have not always regarded violence against women with the same seriousness as other types of violence. Therefore, it is important that States strongly condemn all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination and that the criminal justice system recognize violence against women as a gender-related problem and as an expression of power and inequality.

4. Violence against women is defined in the Declaration on the Elimination of Violence against Women[15] and reiterated in the Platform for Action adopted by the Fourth World Conference on Women[16] to mean any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The updated Model Strategies and Practical Measures build on the measures adopted by Governments in the Platform for Action, which was adopted in 1995 and subsequently reaffirmed in 2000 and 2005, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted in 1997,[17] and relevant General Assembly resolutions, including Assembly resolutions 61/143 and 63/155, bearing in mind that some groups of women are especially exposed and vulnerable to violence.

5. The updated Model Strategies and Practical Measures specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies, programmes and practices to ensure gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in all areas of decision-making, including those related to the elimination of violence against women. The updated Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[18] the Convention on the Rights of the Child,[19] the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[20] the International Covenant on Civil and Political Rights,[21] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational

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[15] General Assembly resolution 48/104.

[16] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[17] Assembly resolution 52/86, annex.

[18] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[19] Ibid., vol. 1577, No. 27531.

[20] Ibid., vol. 2171, No. 27531.

[21] Ibid., vol. 999, No. 14668.

Organized Crime,[22] the Rome Statute of the International Criminal Court[23] and the Guidelines for the Prevention of Crime,[24] with a view to furthering their fair and effective implementation. The updated Model Strategies and Practical Measures reaffirm the commitment of States to promote gender equality and empower women with a view to meeting goal 3 of the Millennium Development Goals.[25]

6. The updated Model Strategies and Practical Measures should be endorsed by national legislation and implemented by Member States and other entities in a manner consistent with the right to equality before the law, while also recognizing that gender equality may sometimes require the adoption of different approaches that acknowledge the different ways in which violence affects women as compared to men. Member States should ensure that women have equal protection under the law and equal access to justice in order to facilitate efforts by Governments to prevent and sanction acts of violence against women through comprehensive and coordinated policies and strategies, and to deal with all forms of violence against women within the criminal justice system.

7. The updated Model Strategies and Practical Measures recognize that crime prevention and criminal justice responses to violence against women must be focused on the needs of victims and empower individual women who are victims of violence. The updated Model Strategies and Practical Measures aim at ensuring that prevention and intervention efforts are made to not only stop and appropriately sanction violence against women, but also restore a sense of dignity and control to the victims of such violence.

8. The updated Model Strategies and Practical Measures aim at contributing to de jure and de facto equality between women and men. The updated Model Strategies and Practical Measures do not give preferential treatment to women but aim at ensuring that any inequalities or forms of discrimination that women face in accessing justice, particularly in respect of acts of violence, are redressed.

9. The updated Model Strategies and Practical Measures recognize that sexual violence is an issue of international peace and security, as outlined in Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, particularly the need for parties to armed conflict to adopt prevention and protection measures in order to end sexual violence.

10. The updated Model Strategies and Practical Measures recognize that some special groups of women are particularly vulnerable to violence, either because of their nationality, ethnicity, religion or language, or because they belong to an indigenous group, are migrants, are stateless, are refugees, live in underdeveloped, rural or remote communities, are homeless, are in institutions or in detention, have disabilities, are elderly, are widowed or live in conflict, post-conflict or disaster situations, and as such they require special attention, intervention and protection in the development of crime prevention and criminal justice responses to violence against women.

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[22] Ibid., vol. 2237, No. 39574.

[23] Ibid., vol. 2187, No. 38544.

[24] Economic and Social Council resolution 2002/13, annex.

[25] A/56/326, annex.

11. The updated Model Strategies and Practical Measures recognize advances in crime prevention and criminal justice responses to violence against women and the importance of investing in the prevention of violence against women.

12. The updated Model Strategies and Practical Measures recognize that States have the obligation to promote and protect the human rights and fundamental freedoms of all people, including women, and that they must exercise due diligence and take relevant measures to prevent, investigate and punish the perpetrators of violence against women, to eliminate impunity and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of women's human rights and fundamental freedoms.

I. Guiding principles

13. Member States are urged:

(a) To be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability;

(b) To develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach for the implementation of the updated Model Strategies and Practical Measures at the national, regional and international levels;

(c) To promote the involvement and participation of all relevant sectors of government and civil society and other stakeholders in the implementation process;

(d) To commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight;

(e) To take into account in the implementation of the updated Model Strategies and Practical Measures the varying needs of women subjected to violence.

II. Criminal law

14. Member States are urged:

(a) To review, evaluate and update their national laws, policies, codes, procedures, programmes and practices, especially their criminal laws, on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women and to remove provisions that allow for or condone violence against women or that increase the vulnerability or revictimization of women who have been subject to violence;

(b) To review, evaluate and update their criminal and civil laws in order to ensure that all forms of violence against women are criminalized and prohibited and, if not, to adopt measures to do so, including measures aimed at preventing, protecting, empowering and supporting survivors, adequately punishing perpetrators and ensuring available remedies for victims;

(c) To review, evaluate and update their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women;

(iii) The laws on sexual violence adequately protect all persons against sexual acts that are not based on the consent of both parties;

(iv) The law protects all children against sexual violence, sexual abuse, commercial sexual exploitation and sexual harassment, including crimes committed through the use of new information technologies, including the Internet;

(v) Harmful traditional practices, including female genital mutilation, in all of their forms, are criminalized as serious offences under the law;

(vi) Trafficking in persons, especially women and girls, is criminalized;

(vii) Individuals who are serving in the armed forces or in United Nations peacekeeping operations should be investigated and punished for committing acts of violence against women abroad;

(d) To continually review, evaluate and update their national laws, policies, practices and procedures taking into account all relevant international legal instruments in order to effectively respond to violence against women, including to ensure that such measures complement and are consistent with the criminal justice system's response to such violence and that civil law decisions reached in marital dissolutions, child custody decisions and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and the best interests of children;

(e) To review and, where appropriate, revise, amend or abolish any laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and to ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, in particular the principle of non-discrimination.

III. Criminal procedure

15. Member States are urged to review, evaluate and update their criminal procedures, as appropriate and taking into account all relevant international legal instruments, in order to ensure that:

(a) The police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women and to take immediate measures to ensure the safety of victims;

(b) The primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with women subjected to violence, regardless of the level or form of violence;

(c) Women subjected to violence are enabled to testify in criminal proceedings through adequate measures that: facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid "secondary victimization".[26] In jurisdictions where the safety of the victim cannot be guaranteed, refusing to testify should not constitute a criminal or other offence;

(d) Evidentiary rules are non-discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate against women; and "honour" or "provocation" cannot be invoked by perpetrators of violence against women to escape criminal responsibility;

(e) The credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant's sexual history in both civil and criminal proceedings should be prohibited where it is unrelated to the case; and no adverse inference should be drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof;

(f) People who perpetrate acts of violence against women while voluntarily under the influence of alcohol, drugs or other substances are not exempted from criminal responsibility;

(g) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(h) Police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, to issue and enforce child support and custody orders and to impose penalties for breaches of those orders. If such powers cannot be granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on initiating a criminal case;

(i) Comprehensive services and protection measures are taken when necessary to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution, and to protect them from intimidation and retaliation, including by establishing comprehensive witness and victim protection programmes;

(j) Safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

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[26] "Secondary victimization" is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.

(k) Claims of self-defence by women who have been victims of violence, particularly in cases of battered woman syndrome,[27] are taken into account in investigations, prosecutions and sentences against them;

(l) All procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination.

IV. Police, prosecutors and other criminal justice officials

16. Member States are urged, within the framework of their national legal systems, as appropriate and taking into account all relevant international legal instruments:

(a) To ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented by the criminal justice system and supported by relevant regulations as appropriate;

(b) To develop mechanisms to ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization;

(c) To promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training to sensitize them to gender and child-related issues and to build their capacity with regard to violence against women;

(d) To promote the development and implementation of appropriate policies among different criminal justice agencies to ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within such agencies and to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence, respect their dignity and integrity and minimize intrusion into their lives while abiding by standards for the collection of evidence;

(f) To ensure that criminal justice officials and victims' advocates conduct risk assessments that indicate the level or extent of harm victims may be subjected to based on the vulnerability of victims, the threats to which they are exposed, the presence of weapons and other determining factors;

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[27] Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including by refusing to press charges or accepting offers of support.

(g) To ensure that laws, policies, procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family, socially or otherwise and that such procedures also prevent further acts of violence;

(h) To establish a registration system for judicial protection, restraining or barring orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force;

(i) To empower and equip police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order where appropriate and by taking measures to ensure the fast and efficient management of cases;

(j) To ensure that the exercise of powers by police, prosecutors and other criminal justice officials is undertaken according to the rule of law and codes of conduct and that such officials are held accountable for any infringement thereof through appropriate oversight and accountability mechanisms;

(k) To ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels;

(l) To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official;

(m) To develop new or improve existing model procedures and resource material, and then disseminate such procedures and material, to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs;

(n) To provide adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization.

V. Sentencing and corrections

17. Recognizing the serious nature of violence against women and the need for crime prevention and criminal justice responses that are commensurate with that severity, Member States are urged, as appropriate:

(a) To review, evaluate and update sentencing policies and procedures in order to ensure that they:

(i) Hold offenders accountable for their acts related to violence against women;

(ii) Denounce and deter violence against women;

(iii) Stop violent behaviour;

(iv) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

(v) Take into account the impact on victims and their family members of sentences imposed on perpetrators;

(vi) Provide sanctions that ensure that the perpetrators of violence against women are sentenced in a manner commensurate with the severity of the offence;

(vii) Provide reparations for harm caused as a result of the violence;

(viii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, reintegrating perpetrators into the community;

(b) To ensure that their national laws take into account specific circumstances as aggravating factors for sentencing purposes, including, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age;

(c) To ensure the right of a victim of violence to be notified of the offender's release from detention or imprisonment;

(d) To take into account, in the sentencing process, the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements;

(e) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(f) To develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims;

(g) To ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered;

(h) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(i) To provide adequate protection to victims and witnesses of acts of violence before, during and after criminal proceedings.

VI. Victim support and assistance

18. Member States are urged, as appropriate and taking into account all relevant international legal instruments, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:[28]

(a) To make available to women who have been subjected to violence relevant information on rights, remedies and victim support services and on how to obtain them, in addition to information about their role and opportunities for participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings, as well as any orders against the offender;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints by providing protection to the victims and by advising them that the responsibility for pursuing charges and prosecuting offenders rests with the police and the prosecution service;

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[28] Assembly resolution 40/34, annex.

(c) To take appropriate measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that victims are treated with dignity and respect, whether they participate in the criminal proceedings or not;

(d) To ensure that women subjected to violence have access to prompt and fair redress for the harm that they have suffered as a result of violence, including the right to seek restitution from the offender or compensation from the State;

(e) To provide court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair and timely processing of cases;

(f) To provide efficient and easily accessible procedures for issuing restraining or barring orders to protect women and other victims of violence and for ensuring that victims are not held accountable for breaches of such orders;

(g) To recognize that children who have witnessed violence against their parent or someone else who is in a close relationship with them are victims of violence and need protection, care and support;

(h) To ensure that women subjected to violence have full access to the civil and criminal justice systems, including access to free legal aid, where appropriate, court support and interpretation services;

(i) To ensure that women subjected to violence have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process, as well as access to any other independent support persons;

(j) To ensure that all services and legal remedies available to victims of violence against women are also available to immigrant women, trafficked women, refugee women, stateless women and all other women in need of such assistance and that specialized services for such women are established, where appropriate;

(k) To refrain from penalizing victims who have been trafficked for having entered the country illegally or for having been involved in unlawful activities that they were forced or compelled to carry out.

VII. Health and social services

19. Member States, in cooperation with the private sector, relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation, health services, including counselling and psychological care, legal assistance and other basic needs for women and their children who are victims of violence or who are at risk of becoming victims of violence;

(b) To establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To establish better linkages between health and social services, both public and private, particularly in emergency situations, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against women, while protecting the privacy of women subjected to violence;

(d) To design and sponsor sustainable programmes to prevent and treat alcohol and other substance abuse, given the frequent presence of substance abuse in incidents of violence against women;

(e) To ensure that violent acts and sexual crimes against children are reported to the police and other law enforcement agencies when suspected by the health and social services;

(f) To promote collaboration and coordination among relevant agencies and services, including through the establishment, where possible, of specialized units specially trained to deal with the complexities and victim sensitivities involved in cases of violence against women and where victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal advice and police assistance;

(g) To ensure that adequate medical, legal and social services sensitive to the needs of victims are in place to enhance the criminal justice management of cases involving violence against women and to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV-specific treatment.

VIII. Training

20. Member States, in cooperation with relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural, gender and child-sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence;

(b) To make sure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments;

(c) To ensure that police, criminal justice officials and other relevant authorities are adequately well trained to be able to identify and respond appropriately to the specific needs of women victims of violence, including victims of trafficking in persons; to receive and treat all victims respectfully with a view to avoiding secondary victimization; to handle complaints confidentially; to conduct safety assessments and risk management; and to use and enforce protection orders;

(d) To encourage relevant professional associations to develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality.

IX. Research and evaluation

21. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for systematic and coordinated data collection on violence against women;

(b) To develop both modules and dedicated population-based surveys, including crime surveys, for assessing the nature and extent of violence against women;

(c) To collect, analyse and publish data and information, including data and information disaggregated by gender, for use in carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women; the causes, risk factors and levels of severity of such violence; and the consequences and impacts of such violence, including on different population subgroups;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The patterns, trends and indicators of violence against women, women's feelings of insecurity in the public and private spheres and factors that can reduce such feelings of insecurity;

(iv) The relationship between the victim and the offender;

(v) The effect of various types of intervention on the individual offender and on the reduction and elimination of violence against women as a whole;

(vi) The use of weapons and of drugs, alcohol and other substances in cases of violence against women;

(vii) The relationship between victimization or exposure to violence and subsequent violent activity;

(viii) The relationship between the violence experienced by women and women's vulnerability to other types of abuse;

(ix) The consequences of violence on those who witness it, particularly within the family;

(d) To monitor, and publish annual reports on, the number of cases of violence against women reported to the police as well as other criminal justice agencies, including arrest and clearance rates, prosecution and case disposition of the offenders and the prevalence of violence against women; in doing so, use should be made of data derived from population-based surveys. Such reports should disaggregate data by type of violence and include, for example, information on the sex of the perpetrator and his or her relationship to the victim;

(e) To evaluate the efficiency and effectiveness of the criminal justice system in meeting the needs of women subjected to violence, including with regard to the way in which the criminal justice system treats victims and witnesses of acts of violence, the use it makes of different intervention models and the degree to which it cooperates with providers of services to victims and witnesses, as well as to evaluate and assess the impact of current legislation, rules and procedures relating to violence against women;

(f) To evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers;

(g) To be guided by existing ongoing efforts at the international level to develop a set of indicators to measure violence against women and to ensure a multisectoral, coordinated approach to the development, implementation, monitoring and evaluation of data collection initiatives;

(h) To ensure that data on violence against women are collected in a way that respects the confidentiality and human rights of women and in a way that does not jeopardize the safety of women;

(i) To encourage and provide sufficient financial support for research to be carried out on violence against women.

X. Crime prevention measures

22. Member States and the private sector, relevant non-governmental organizations and professional associations are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness and public education initiatives, as well as school programmes and curricula, that prevent violence against women by promoting respect for human rights, equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop codes of conduct for personnel in public and private entities that prohibit violence against women, including sexual harassment, and include safe complaint and referral procedures;

(c) To develop multidisciplinary and gender-sensitive approaches within public and private entities that seek to prevent violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;

(d) To develop programmes to assess perceptions of public safety and to develop safety planning, environmental design and management of public space in order to reduce the risk of violence against women;

(e) To set up outreach programmes and provide relevant information to women about gender roles, women's human rights and the social, health, legal and economic aspects of violence against women in order to empower women to protect themselves and their children against all forms of violence;

(f) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes and respect for equality and the rights of women;

(g) To develop and disseminate, in a manner appropriate to the audience concerned, including in educational institutions at all levels, information and awareness-raising materials on the different forms of violence that are perpetrated against women and the availability of relevant programmes that include information on the relevant provisions of criminal law, the functions of the criminal justice system, the victim support mechanisms that are available and the existing programmes concerning non-violent behaviour and the peaceful resolution of conflicts;

(h) To support all initiatives, including those of non-governmental organizations and other relevant organizations seeking women's equality, to raise public awareness of the issue of violence against women and to contribute to the elimination of such violence;

(i) To facilitate the work at lower levels of government, including among city and local community authorities, to promote an integrated approach that makes use of the range of local services locally by institutions and civil society in developing preventive strategies and programmes.

23. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights and dignity of women while discouraging both discrimination and gender stereotyping.

24. Member States and the private sector, relevant non-governmental organizations and professional associations are urged to develop and improve, where appropriate, crime prevention and criminal justice responses to the production, possession and dissemination of games, images and all other materials that depict or glorify acts of violence against women and children, and their impact on the general public's attitude towards women and children, as well as the mental and emotional development of children, particularly through new information technologies, including the Internet.

XI. International cooperation

25. Member States, in cooperation with United Nations bodies and institutes and other relevant organizations, are urged, as appropriate:

(a) To continue exchanging information concerning successful intervention models and preventive programmes in eliminating all forms of violence against women and to update the resource manual and the compendium on the Model Strategies and Practical Measures, as well as provide information for inclusion in the Secretary-General's database on violence against women;[29]

(b) To cooperate and collaborate at the bilateral, regional and international levels with relevant entities to prevent violence against women; to provide safety, assistance and protection for the victims and witnesses of violence and their family members, as appropriate; and to promote measures to effectively bring perpetrators to justice, through strengthened mechanisms of international cooperation and mutual legal assistance;

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[29] Available from www.un.org/esa/vawdatabase.

(c) To develop provisions providing for the safe and, to the extent possible, voluntary repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders;

(d) To contribute and provide support to the United Nations system in its efforts to eliminate all forms of violence against women;

(e) To take appropriate preventive action and to ensure full accountability in cases of sexual exploitation and abuse involving troops and police in United Nations peacekeeping operations.

26. Member States are also urged:

(a) To condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law, to call for a particularly effective response to such violations, in particular when they involve murder, systematic rape, sexual slavery and forced pregnancy, and to implement Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security;

(b) To work actively towards universal ratification of or accession to all relevant treaties and to promote their full implementation, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,[30] the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) To formulate any reservations to the Convention on the Elimination of All Forms of Discrimination against Women in a manner that is as precise and as narrow as possible and to ensure that any such reservations are not incompatible with the object and purpose of that convention;

(d) To work actively towards the ratification of or accession to existing regional instruments and agreements aimed at combating violence against women, and to promote their implementation;

(e) To include in periodic reports to the Committee on the Elimination of Discrimination against Women information on efforts made to implement the Updated Model Strategies and Practical Measures;

(f) To cooperate with the International Criminal Court, ad hoc international criminal tribunals and other international criminal tribunals in the investigation and prosecution of the perpetrators of genocide, crimes against humanity and war crimes, particularly of those crimes involving gender-based violence, and to enable women who have been subjected to violence to give testimony and participate in all stages of the proceedings while protecting the safety, interests, identity and privacy of those women;

(g) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially in women and children, in performing their mandated tasks and duties by supplying all information requested and responding to the Special Rapporteurs' visits and communications.

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[30] United Nations, *Treaty Series*, vol. 2131, No. 20378.

XII. Follow-up activities

27. Member States, United Nations bodies, the institutes of the United Nations crime prevention and criminal justice programme network, other relevant international and regional organizations, research institutes, non-governmental organizations and professional organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the updated Model Strategies and Practical Measures into local languages and to ensure their wide dissemination and use in training and education programmes;

(b) To draw, as appropriate, on the updated Model Strategies and Practical Measures in the development of legislation, procedures, policies and practices in responding to violence against women;

(c) To assist States, upon request, in developing strategies and programmes to prevent violence against women and in reviewing and evaluating their criminal justice systems, including their criminal legislation, on the basis of the updated Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes of the United Nations crime prevention and criminal justice programme network aimed at eliminating all forms of violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to implement the updated Model Strategies and Practical Measures;

(f) To design standard training programmes and manuals for police and criminal justice officials based on the updated Model Strategies and Practical Measures;

(g) To periodically monitor and review progress made at the national and international levels in terms of plans, programmes and initiatives to eliminate all forms of violence against women;

(h) To periodically review and update, if necessary, the updated Model Strategies and Practical Measures.

Draft resolution II

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

The General Assembly,

Recalling the United Nations standards and norms in crime prevention and criminal justice primarily related to the treatment of prisoners, in particular the

Standard Minimum Rules for the Treatment of Prisoners,[31] the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[32] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment[33] and the Basic Principles for the Treatment of Prisoners,[34]

Recalling also the United Nations standards and norms in crime prevention and criminal justice primarily related to alternatives to imprisonment, in particular the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[35] and the basic principles on the use of restorative justice programmes in criminal matters,[36]

Recalling further its resolution 58/183 of 22 December 2003, in which it invited Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and the ways in which they can be addressed,

Considering the alternatives to imprisonment as provided for in the Tokyo Rules and taking into consideration the gender specificities of, and the consequent need to give priority to applying non-custodial measures to, women who have come into contact with the criminal justice system,

Mindful of its resolution 61/143 of 19 December 2006, in which it urged States to, inter alia, take positive measures to address structural causes of violence against women and to strengthen prevention efforts that addressed discriminatory practices and social norms, including with regard to women who need special attention in the development of policies to address violence, such as women in institutions or in detention,

Mindful also of its resolution 63/241 of 24 December 2008, in which it called upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment,

Taking into consideration the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[37] in which Member States committed themselves, inter alia, to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders, and the plans of action for the implementation of the Declaration,[38]

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[31] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[32] Economic and Social Council resolution 1984/47, annex.

[33] General Assembly resolution 43/173, annex.

[34] Assembly resolution 45/111, annex.

[35] Assembly resolution 45/110, annex.

[36] Council resolution 2002/12, annex.

[37] Assembly resolution 55/59, annex.

[38] Assembly resolution 56/261, annex.

Calling attention to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[39] as it relates specifically to women in detention and in custodial and non-custodial settings,

Recalling that, in the Bangkok Declaration, Member States recommended to the Commission on Crime Prevention and Criminal Justice that it give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners,

Having taken note of the initiative of the United Nations High Commissioner for Human Rights to designate the week from 6 to 12 October 2008 as Dignity and Justice for Detainees Week, which placed particular emphasis on the human rights of women and girls,

Considering that women prisoners are one of the vulnerable groups that have specific needs and requirements,

Aware of the fact that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of female prisoners has significantly increased over the years,

Recognizing that a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social reintegration more difficult,

Welcoming the development by the United Nations Office on Drugs and Crime of the *Handbook for Prison Managers and Policymakers on Women and Imprisonment*,[40]

Welcoming also the invitation contained in Human Rights Council resolution 10/2 of 25 March 2009 to governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem,

Welcoming further the collaboration between the World Health Organization Regional Office for Europe and the United Nations Office on Drugs and Crime, and taking note of the Kyiv Declaration on Women's Health in Prisons,[41]

Taking note of the Guidelines for the Alternative Care of Children,[42]

Recalling Commission on Crime Prevention and Criminal Justice resolution 18/1 of 24 April 2009, in which the Commission requested the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules, supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings; welcomed the offer by the Government of Thailand to act as host to the expert group meeting; and requested the expert group meeting to submit the outcome of its work to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, subsequently held in Salvador, Brazil, from 12 to 19 April 2010,

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[39] Assembly resolution 60/177, annex.

[40] United Nations publication, Sales No. E.08.IV.4.

[41] World Health Organization Regional Office for Europe and United Nations Office on Drugs and Crime, *Women's Health in Prison: Correcting Gender Inequity in Prison Health* (Copenhagen, 2009).

[42] Assembly resolution 64/142, annex.

Recalling also that the four regional preparatory meetings for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice welcomed the development of a set of supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings,[43]

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[44] in which Member States recommended that the Commission on Crime Prevention and Criminal Justice consider the draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders as a matter of priority for appropriate action,

1. *Takes note with appreciation* of the work of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings at its meeting held in Bangkok from 23 to 26 November 2009 and of the outcome of that meeting;[45]

2. *Expresses its gratitude* to the Government of Thailand for having acted as host to the meeting of the expert group and for the financial support provided for the organization of the meeting;

3. *Adopts* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, annexed to the present resolution, and approves the recommendation of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice that the Rules should be known as "the Bangkok Rules";

4. *Recognizes* that, in view of the great variety of legal, social, economic and geographical conditions in the world, not all of the rules can be applied equally in all places and at all times; and that they should, however, serve to stimulate a constant endeavour to overcome practical difficulties in their application, in the knowledge that they represent, as a whole, global aspirations amenable to the common goal of improving outcomes for women prisoners, their children and their communities;

5. *Encourages* Member States to adopt legislation to establish alternatives to imprisonment and to give priority to the financing of such systems, as well as to the development of the mechanisms needed for their implementation;

6. *Encourages* Member States having developed legislation, procedures, policies or practices for women in prison or on alternatives to imprisonment for women offenders to make information available to other States and relevant international, regional and intergovernmental organizations, as well as non-

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[43] A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

[44] A/CONF.213/18, chap. I, resolution 1.

[45] A/CONF.213/17.

governmental organizations, and to assist them in developing and implementing training or other activities in relation to such legislation, procedures, policies or practices;

7. *Invites* Member States to take into consideration the specific needs and realities of women as prisoners when developing relevant legislation, procedures, policies and action plans and to draw, as appropriate, on the Bangkok Rules;

8. *Also invites* Member States to collect, maintain, analyse and publish, as appropriate, specific data on women in prison and women offenders;

9. *Emphasizes* that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caretaker, non-custodial measures should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent;

10. *Requests* the United Nations Office on Drugs and Crime to provide technical assistance and advisory services to Member States, upon request, in order to develop or strengthen, as appropriate, legislation, procedures, policies and practices for women in prison and on alternatives to imprisonment for women offenders;

11. *Also requests* the United Nations Office on Drugs and Crime to take steps, as appropriate, to ensure broad dissemination of the Bangkok Rules, as a supplement to the Standard Minimum Rules for the Treatment of Prisoners[46] and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[47] and the intensification of information activities in this area;

12. *Further requests* the United Nations Office on Drugs and Crime to increase its cooperation with other relevant United Nations entities, intergovernmental and regional organizations and non-governmental organizations in the provision of relevant assistance to countries and to identify needs and capacities of countries in order to increase country-to-country and South-South cooperation;

13. *Invites* specialized agencies of the United Nations system and relevant regional and international intergovernmental and non-governmental organizations to engage in the implementation of the Bangkok Rules;

14. *Invites* Member States and other donors to provide extrabudgetary contributions for such purposes, in accordance with the rules and procedures of the United Nations.

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[46] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[47] Assembly resolution 45/110, annex.

Annex

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

Preliminary observations

1. The Standard Minimum Rules for the Treatment of Prisoners[48] apply to all prisoners without discrimination; therefore, the specific needs and realities of all prisoners, including of women prisoners, should be taken into account in their application. The Rules, adopted more than 50 years ago, did not, however, draw sufficient attention to women's particular needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners has acquired importance and urgency.

2. Recognizing the need to provide global standards with regard to the distinct considerations that should apply to women prisoners and offenders and taking into account a number of relevant resolutions adopted by different United Nations bodies, in which Member States were called on to respond appropriately to the needs of women offenders and prisoners, the present rules have been developed to complement and supplement, as appropriate, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[49] in connection with the treatment of women prisoners and alternatives to imprisonment for women offenders.

3. The present rules do not in any way replace the Standard Minimum Rules for the Treatment of Prisoners or the Tokyo Rules and, therefore, all relevant provisions contained in those two sets of rules continue to apply to all prisoners and offenders without discrimination. While some of the present rules bring further clarity to existing provisions in the Standard Minimum Rules for the Treatment of Prisoners and in the Tokyo Rules in their application to women prisoners and offenders, others cover new areas.

4. These rules are inspired by principles contained in various United Nations conventions and declarations and are therefore consistent with the provisions of existing international law. They are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the probation service) involved in the administration of non-custodial sanctions and community-based measures.

5. The specific requirements for addressing the situation of women offenders have been emphasized at the United Nations in various contexts. For example, in 1980, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a resolution on the specific needs of women prisoners, in which it recommended that, in the implementation of the resolutions adopted by the Sixth Congress directly or indirectly relevant to the treatment of offenders, recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution; that, in countries where it was

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[48] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[49] General Assembly resolution 45/110, annex.

not yet done, programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders; and that the United Nations, the governmental and non-governmental organizations in consultative status with it and all other international organizations should make continuing efforts to ensure that the woman offender was treated fairly and equally during arrest, trial, sentence and imprisonment, particular attention being paid to the special problems which women offenders encounter, such as pregnancy and child care.[50]

6. The Seventh Congress,[51] the Eighth Congress[52] and the Ninth Congress[53] also made specific recommendations concerning women prisoners.

7. In the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[54] adopted also by the Tenth Congress, Member States committed themselves to taking into account and addressing, within the United Nations crime prevention and criminal justice programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men (para. 11); and to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders (para. 12). The plans of action for the implementation of the Vienna Declaration[55] contain a separate section (sect. XIII) devoted to specific recommended measures to follow up on the commitments undertaken in paragraphs 11 and 12 of the Declaration, including that of States reviewing, evaluating and, if necessary, modifying their legislation, policies, procedures and practices relating to criminal matters, in a manner consistent with their legal systems, in order to ensure that women are treated fairly by the criminal justice system.

8. The General Assembly, in its resolution 58/183 of 22 December 2003, entitled "Human rights in the administration of justice", called for increased attention to be devoted to the issue of women in prison, including the children of women in prison,

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[50] *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B, resolution 9 (on the fair treatment of women by the criminal justice system).

[51] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E, resolution 6 (on the fair treatment of women by the criminal justice system).

[52] Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111, annex); *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C, resolutions 17 (on pretrial detention), 19 (on the management of criminal justice and development of sentencing policies) and 21 (on international and interregional cooperation in prison management and community-based sanctions and other matters).

[53] A/CONF.169/16/REV.1, chap. I, resolutions 1 (on recommendations on the four substantive topics of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders), 5 (on the practical implementation of the Standard Minimum Rules for the Treatment of Prisoners) and 8 (on the elimination of violence against women).

[54] Assembly resolution 55/59, annex.

[55] Assembly resolution 56/261, annex.

with a view to identifying the key problems and ways in which they could be addressed.

9. In its resolution 61/143 of 19 December 2006, entitled "Intensification of efforts to eliminate all forms of violence against women", the General Assembly stressed that "violence against women" meant any act of gender-based violence resulting in, or likely to result in, physical, sexual or psychological harm or suffering to women, including arbitrary deprivation of liberty, whether occurring in public or in private life, and urged States to review and, where appropriate, revise, amend or abolish all laws, regulations, policies, practices and customs discriminating against women or having a discriminatory impact on women, and ensure that provisions of multiple legal systems, where they existed, complied with international human rights obligations, commitments and principles, including the principle of non-discrimination; to take positive measures to address structural causes of violence against women and to strengthen prevention efforts addressing discriminatory practices and social norms, including with regard to women in need of special attention, such as women in institutions or in detention; and to provide training and capacity-building on gender equality and women's rights for law enforcement personnel and the judiciary. The resolution is an acknowledgement of the fact that violence against women has specific implications for women's contact with the criminal justice system, as well as their right to be free of victimization while imprisoned. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women offenders, of which the present rules take account.

10. Finally, in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[56] adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice on 25 April 2005, Member States declared that they were committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pretrial and correctional facilities, in accordance with applicable international standards (para. 8); and they recommended that the Commission on Crime Prevention and Criminal Justice should give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners (para. 30).

11. As with the Standard Minimum Rules for the Treatment of Prisoners, in view of the great variety of legal, social, economic and geographical conditions worldwide, it is evident that not all of the following rules can be equally applied in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in how they are applied, in the knowledge that they represent, as a whole, the global aspirations considered by the United Nations as leading to the common goal of improving outcomes for women prisoners, their children and their communities.

12. Some of these rules address issues applicable to both men and women prisoners, including those relating to parental responsibilities, some medical services, searching procedures and the like, although the rules are mainly concerned with the needs of women and their children. However, as the focus includes the children of imprisoned mothers, there is a need to recognize the central role of both

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[56] Assembly resolution 60/177, annex.

parents in the lives of children. Accordingly, some of these rules would apply equally to male prisoners and offenders who are fathers.

Introduction

13. The following rules do not in any way replace the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules. Therefore, all provisions contained in those two sets of rules continue to apply to all prisoners and offenders without discrimination.

14. Section I of the present rules, covering the general management of institutions, is applicable to all categories of women deprived of their liberty, including criminal or civil, untried or convicted women prisoners, as well as women subject to "security measures" or corrective measures ordered by a judge.

15. Section II contains rules applicable only to the special categories dealt with in each subsection. Nevertheless, the rules under subsection A, applicable to prisoners under sentence, shall be equally applicable to the category of prisoners dealt with in subsection B, provided they do not conflict with the rules governing that category of women and are for their benefit.

16. Subsections A and B both provide additional rules for the treatment of juvenile female prisoners. It is important to note, however, that separate strategies and policies in accordance with international standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules),[57] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[58] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[59] and the Guidelines for Action on Children in the Criminal Justice System,[60] need to be designed for the treatment and rehabilitation of this category of prisoners, while institutionalization shall be avoided to the maximum possible extent.

17. Section III contains rules covering the application of non-custodial sanctions and measures for women and juvenile female offenders, including on arrest and at the pretrial, sentencing and post-sentencing stages of the criminal justice process.

18. Section IV contains rules on research, planning, evaluation, public awareness-raising and sharing of information, and is applicable to all categories of female offenders covered in these rules.

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[57] Assembly resolution 40/33, annex.

[58] Assembly resolution 45/112, annex.

[59] Assembly resolution 45/113, annex.

[60] Economic and Social Council resolution 1997/30, annex.

I. Rules of general application

1. Basic principle

[*Supplements rule 6 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 1

In order for the principle of non-discrimination, embodied in rule 6 of the Standard Minimum Rules for the Treatment of Prisoners to be put into practice, account shall be taken of the distinctive needs of women prisoners in the application of the Rules. Providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory.

2. Admission

Rule 2

1. Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well.

2. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

3. Register

[*Supplements rule 7 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 3

1. The number and personal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status.

2. All information relating to the children's identity shall be kept confidential, and the use of such information shall always comply with the requirement to take into account the best interests of the children.

4. Allocation

Rule 4

Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services.

5. Personal hygiene

[*Supplements rules 15 and 16 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 5

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

6. Health-care services

[*Supplements rules 22-26 of the Standard Minimum Rules for the Treatment of Prisoners*]

(a) Medical screening on entry

[*Supplements rule 24 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 6

The health screening of women prisoners shall include comprehensive screening to determine primary health care needs, and also shall determine:

(a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;

(b) Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm;

(c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;

(d) The existence of drug dependency;

(e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

Rule 7

1. If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

2. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling.

3. Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.

Rule 8

The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

Rule 9

If the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist, to determine any treatment and medical needs. Suitable health care, at least equivalent to that in the community, shall be provided.

(b) Gender-specific health care

Rule 10

1. Gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners.

2. If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination.

Rule 11

1. Only medical staff shall be present during medical examinations unless the doctor is of the view that exceptional circumstances exist or the doctor requests a member of the prison staff to be present for security reasons or the woman prisoner specifically requests the presence of a member of staff as indicated in rule 10, paragraph 2 above.

2. If it is necessary for non-medical prison staff to be present during medical examinations, such staff should be women and examinations shall be carried out in a manner that safeguards privacy, dignity and confidentiality.

(c) Mental health and care

Rule 12

Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health care needs in prison or in non-custodial settings.

Rule 13

Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

(d) HIV prevention, treatment, care and support

Rule 14

In developing responses to HIV/AIDS in penal institutions, programmes and services shall be responsive to the specific needs of women, including prevention of mother-to-child transmission. In this context, prison authorities shall encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education.

(e) Substance abuse treatment programmes

Rule 15

Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.

(f) Suicide and self-harm prevention

Rule 16

Developing and implementing strategies, in consultation with mental health care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.

(g) Preventive health care services

Rule 17

Women prisoners shall receive education and information about preventive health care measures, including from HIV, sexually transmitted diseases and other, blood-borne diseases, as well as gender-specific health conditions.

Rule 18

Preventive health care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

7. Safety and security

[*Supplements rules 27-36 of the Standard Minimum Rules for the Treatment of Prisoners*]

(a) Searches

Rule 19

Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.

Rule 20

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

Rule 21

Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

(b) Discipline and punishment

[*Supplements rules 27-32 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 22

Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.

Rule 23

Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

(c) Instruments of restraint

[*Supplements rules 33-34 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 24

Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

(d) Information to and complaints by prisoners; inspections

[*Supplements rules 35 and 36 and, with regard to inspection, rule 55 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 25

1. Women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

2. Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid.

3. In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members.

8. Contact with the outside world

[Supplements rules 37-39 of the Standard Minimum Rules for the Treatment of Prisoners]

Rule 26

Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

Rule 27

Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.

Rule 28

Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.

9. Institutional personnel and training

[Supplements rules 46-55 of the Standard Minimum Rules for the Treatment of Prisoners]

Rule 29

Capacity-building for staff employed in women's prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities. Capacity-building measures for women staff shall also include access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners.

Rule 30

There shall be a clear and sustained commitment at the managerial level in prison administrations to prevent and address gender-based discrimination against women staff.

Rule 31

Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.

Rule 32

Women prison staff shall receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment.

Rule 33

1. All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women prisoners.

2. Basic training shall be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine.

3. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

Rule 34

Capacity-building programmes on HIV shall be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma and discrimination, shall also be part of the curriculum.

Rule 35

Prison staff shall be trained to detect mental health care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.

10. Juvenile female prisoners

Rule 36

Prison authorities shall put in place measures to meet the protection needs of juvenile female prisoners.

Rule 37

Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.

Rule 38

Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence. They shall receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners.

Rule 39

Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.

II. Rules applicable to special categories

A. Prisoners under sentence

1. Classification and individualization

[*Supplements rules 67-69 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 40

Prison administrators shall develop and implement classification methods addressing the gender-specific needs and circumstances of women prisoners to ensure appropriate and individualized planning and implementation towards those prisoners' early rehabilitation, treatment and reintegration into society.

Rule 41

The gender-sensitive risk assessment and classification of prisoners shall:

(a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;

(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;

(d) Ensure that those with mental health care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

2. Prison regime

[*Supplements rules 65, 66 and 70-81 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 42

1. Women prisoners shall have access to a balanced and comprehensive programme of activities, which take account of gender-appropriate needs.

2. The regime of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in prisons in order to enable women prisoners to participate in prison activities.

3. Particular efforts shall be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison.

4. Particular efforts shall be made to provide appropriate services for women prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse.

Social relations and aftercare

[*Supplements rules 79-81 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 43

Prison authorities shall encourage and, where possible, also facilitate visits to women prisoners as an important prerequisite to ensuring their mental well-being and social reintegration.

Rule 44

In view of women prisoners' disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is allowed to visit them.

Rule 45

Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.

Rule 46

Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.

Rule 47

Additional support following release shall be provided to released women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

3. Pregnant women, breastfeeding mothers and mothers with children in prison

[*Supplements rule 23 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 48

1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.

3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.

Rule 49

Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.

Rule 50

Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51

1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.

2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

Rule 52

1. Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws.

2. The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials.

3. After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.

4. Foreign nationals

[*Supplements rule 38 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 53

1. Where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign-national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned.

2. Where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocation of the child to its home country, taking into account the best interests of the child and in consultation with the mother.

5. Minorities and indigenous peoples

Rule 54

Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.

Rule 55

Pre- and post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups.

B. Prisoners under arrest or awaiting trial

[*Supplements rules 84-93 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 56

The particular risk of abuse that women face in pretrial detention shall be recognized by relevant authorities, which shall adopt appropriate measures in policies and practice to guarantee such women's safety at this time. (See also rule 58 below, with regard to alternatives to pretrial detention.)

III. Non-custodial measures

Rule 57

The provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women offenders. Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.

Rule 58

Taking into account the provisions of rule 2.3 of the Tokyo Rules, women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible.

Rule 59

Generally, non-custodial means of protection, for example in shelters managed by independent bodies, non-governmental organizations or other community services, shall be used to protect women who need such protection. Temporary measures involving custody to protect a woman shall only be applied when necessary and expressly requested by the woman concerned and shall in all cases be supervised by judicial or other competent authorities. Such protective measures shall not be continued against the will of the woman concerned.

Rule 60

Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with mental disability; and educational and training programmes to improve employment prospects. Such programmes shall take account of the need to provide care for children and women-only services.

Rule 61

When sentencing women offenders, courts shall have the power to consider mitigating factors such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds.

Rule 62

The provision of gender-sensitive, trauma-informed, women-only substance abuse treatment programmes in the community and women's access to such treatment shall be improved, for crime prevention as well as for diversion and alternative sentencing purposes.

1. Post-sentencing dispositions

Rule 63

Decisions regarding early conditional release (parole) shall favourably take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.

2. Pregnant women and women with dependent children

Rule 64

Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.

3. Juvenile female offenders

Rule 65

Institutionalization of children in conflict with the law shall be avoided to the maximum extent possible. The gender-based vulnerability of juvenile female offenders shall be taken into account in decision-making.

4. Foreign nationals

Rule 66

Maximum effort shall be made to ratify the United Nations Convention against Transnational Organized Crime[61] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention[62] to fully implement their provisions so as to provide maximum protection to victims of trafficking in order to avoid secondary victimization of many foreign-national women.

IV. Research, planning, evaluation and public awareness-raising

1. Research, planning and evaluation

Rule 67

Efforts shall be made to organize and promote comprehensive, result-oriented research on the offences committed by women, the reasons that trigger women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, the characteristics of women offenders, as well as programmes designed to reduce reoffending by women, as a basis for effective planning, programme development and policy formulation to respond to the social reintegration needs of women offenders.

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[61] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[62] Ibid., vol. 2237, No. 39574.

Rule 68

Efforts shall be made to organize and promote research on the number of children affected by their mothers' confrontation with the criminal justice system, and imprisonment in particular, and the impact of this on the children, in order to contribute to policy formulation and programme development, taking into account the best interests of the children.

Rule 69

Efforts shall be made to review, evaluate and make public periodically the trends, problems and factors associated with offending behaviour in women and the effectiveness in responding to the social reintegration needs of women offenders, as well as their children, in order to reduce the stigmatization and negative impact of those women's confrontation with the criminal justice system on them.

2. Raising public awareness, sharing information and training

Rule 70

1. The media and the public shall be informed about the reasons that lead to women's entrapment in the criminal justice system and the most effective ways to respond to it, in order to enable women's social reintegration, taking into account the best interests of their children.

2. Publication and dissemination of research and good practice examples shall form comprehensive elements of policies that aim to improve the outcomes and the fairness to women and their children of criminal justice responses to women offenders.

3. The media, the public and those with professional responsibility in matters concerning women prisoners and offenders shall be provided regularly with factual information about the matters covered in these rules and about their implementation.

4. Training programmes on the present rules and the results of research shall be developed and implemented for relevant criminal justice officials to raise their awareness and sensitize them to their provisions contained therein.

Draft resolution III

Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework

The General Assembly,

Recalling its resolution 61/252, section XI, paragraph 1, of 22 December 2006, in which it entrusted certain administrative and financial functions to the Commission on Crime Prevention and Criminal Justice, *Also recalling* Commission on Crime Prevention and Criminal Justice resolution 18/6 of 3 December 2009,[63]

Further recalling the report of the Advisory Committee on Administrative and Budgetary Questions on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime,[64]

Having regard to the report of the Executive Director of the United Nations Office on Drugs and Crime on the changes required to the strategic framework and their implications for the Office and for the allocation of resources to the subprogrammes of the programme of work, and on the establishment of an independent evaluation unit and the sustainability of the Strategic Planning Unit of the Office,[65]

Recalling its resolution 64/243 of 24 December 2009, entitled "Questions relating to the proposed programme budget for the biennium 2010-2011", in paragraph 85 of which it expressed concern regarding the overall financial situation of the United Nations Office on Drugs and Crime and requested the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office had sufficient resources to carry out its mandate,

1. *Takes note* of the report of the Executive Director of the United Nations Office on Drugs and Crime on the changes required to the strategic framework and their implications for the Office and for the allocation of resources to the subprogrammes of the programme of work, and on the establishment of an independent evaluation unit and the sustainability of the Strategic Planning Unit of the Office,[66] and welcomes the measures taken to develop a thematic and regional programme approach to the programme of work of the Office;

2. *Notes* the anticipated efficiency gains resulting from the proposed realignment, which responds, in particular, to recommendations made by the Office of Internal Oversight Services of the Secretariat, and looks forward to seeing those efficiency gains reflected in the budget for the biennium 2012-2013 for the United Nations Office on Drugs and Crime;

3. *Also notes* that the realignment will not require any change to the strategic framework for the period 2010-2011 and that the thematic and regional programme approach will be reflected in the proposed strategic framework for the period 2012-2013;

4. *Further notes* that the proposed realignment shall contribute to improving the technical assistance programmes and activities of the United Nations Office on Drugs and Crime;

5. *Notes* that the proposed realignment will not diminish the current status of any of the activities promoted by the United Nations Office on Drugs and Crime;

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[63] *Official Records of the Economic and Social Council, 2009, Supplement No. 10A* (E/2009/30/Add.1), chap. I.

[64] E/CN.7/2009/14-E/CN.15/2009/24.

[65] E/CN.7/2010/13-E/CN.15/2010/13.

[66] Ibid.

6. *Recalls* that, in Commission on Crime Prevention and Criminal Justice resolution 18/6 of 3 December 2009,[67] the Commission decided that the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime should contain adequate provisions for the establishment of a sustainable, effective and operationally independent evaluation unit, and urges the Secretariat to swiftly implement that decision and commence with the re-establishment of the independent evaluation unit without further delay;

7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to ensure the sustainability of the Strategic Planning Unit, consistent with the importance of its functions;

8. *Notes* that the reinstatement of the post of Chief of the Policy Analysis and Research Branch at the United Nations Office on Drugs and Crime, at the D-1 level, should be considered only after sufficient funding has been made available for the independent evaluation unit and the Strategic Planning Unit;

9. *Takes note*, in the preceding context, of the realignment of the Division for Treaty Affairs and the Division for Operations of the United Nations Office on Drugs and Crime, and encourages it as an important step in the process of continuous improvement of the Office;[68]

10. *Highlights* the importance of providing legal assistance for drug control and crime prevention and the need to link the provision of such assistance to the work of the Integrated Programme and Oversight Branch of the United Nations Office on Drugs and Crime;

11. *Notes with concern* the financial situation of the United Nations Office on Drugs and Crime;

12. *Urges* the Executive Director of the United Nations Office on Drugs and Crime to ensure that the Office submits to the Secretary-General a proposed programme budget for the biennium 2012-2013 that appropriately reflects the financial needs of the Office;

13. *Requests* the Secretary-General, in his proposed programme budget for the biennium 2012-2013, to devote due attention to the resource requirements for meeting the mandates entrusted to the United Nations Office on Drugs and Crime, taking into account the relevant crime prevention and criminal justice mandates and the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,[69] with particular focus on under-resourced areas;

14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twentieth session on the implementation of the realignment of the Division for Treaty Affairs and the Division for Operations.

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[67] *Official Records of the Economic and Social Council, 2009, Supplement No. 10A* (E/2009/30/Add.1), chap. I.

[68] E/CN.7/2010/13-E/CN.15/2010/13, paras. 1-3 and 35.

[69] A/64/92-E/2009/98, sect. II.A.

Draft resolution IV

Twelfth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in this field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recalling its resolution 46/152 of 18 December 1991, in the annex to which Member States affirmed that the United Nations congresses on crime prevention and criminal justice should be held every five years and should provide a forum for, inter alia, the exchange of views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines; the exchange of experiences in research, law and policy development; and the identification of emerging trends and issues in crime prevention and criminal justice,

Recalling also its resolution 57/270 B of 23 June 2003, on the integrated and coordinated implementation of and follow-up to the outcomes of major United Nations conferences and summits in the economic and social fields, in which it stressed that all countries should promote policies consistent and coherent with the commitments of the major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

Recalling further its resolution 64/180 of 18 December 2009, in which it called upon the Twelfth United Nations Congress on Crime Prevention and Criminal Justice to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements relating to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities relating thereto, and requested the Commission on Crime Prevention and Criminal Justice at its nineteenth session to give high priority to considering the conclusions and recommendations of the Twelfth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its sixty-fifth session, *Bearing in mind* the United Nations Millennium Declaration,[70] adopted by the Heads of State and Government at the Millennium Summit of the United Nations on 8 September 2000, in which Heads of State and Government resolved, inter alia, to strengthen respect for the rule of law in international as well as in national affairs; to take concerted action against international terrorism and accede as soon as possible to all the relevant international conventions; to redouble their efforts to implement their commitment to counter the world drug problem; and to intensify their efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money-laundering,

Having considered the report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice[71] and the related recommendations made by the Commission on Crime Prevention and Criminal Justice at its nineteenth session,

1. *Expresses its satisfaction* with the results achieved by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, including the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[72] adopted at the high-level segment of the Twelfth Congress;

2. *Expresses its appreciation* to the United Nations Office on Drugs and Crime for the work done in the preparations for and follow-up to the Twelfth Congress, and thanks the institutes of the United Nations crime prevention and criminal justice programme network for their contribution to the Twelfth Congress, in particular with regard to the workshops held within the framework of the Congress;

3. *Takes note with appreciation* of the report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,[73] which contains the results of the Twelfth Congress, including the conclusions and recommendations made at the workshops and at the high-level segment held during the Twelfth Congress;

4. *Endorses* the Salvador Declaration adopted by the Twelfth Congress, as approved by the Commission on Crime Prevention and Criminal Justice and annexed to the present resolution;

5. *Invites* Governments to take into consideration the Salvador Declaration and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

6. *Invites* Member States to identify areas covered in the Salvador Declaration where further tools and training manuals based on international standards and best practices are needed, and to submit that information to the Commission on Crime Prevention and Criminal Justice so that it may take that

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[70] See General Assembly resolution 55/2.

[71] A/CONF.213/18.

[72] Ibid., chap. I, resolution 1.

[73] A/CONF.213/18.

information into account when considering potential areas of future activity of the United Nations Office on Drugs and Crime;

7. *Welcomes* the decision of the Government of Brazil to contribute a percentage of the value of confiscated assets to the United Nations Office on Drugs and Crime, pursuant to article 30 of the United Nations Convention against Transnational Organized Crime[74] and article 62 of the United Nations Convention against Corruption,[75] as well as paragraph 9 of General Assembly resolution 55/25 of 15 November 2000 and paragraph 4 of Assembly resolution 58/4 of 31 October 2003, and looks forward to expeditious implementation of that decision;

8. *Also welcomes* the prompt consideration and action by the Commission on Crime Prevention and Criminal Justice on a number of issues addressed in the Salvador Declaration, including those addressed in separate resolutions approved by the Commission at its nineteenth session, such as violence against migrants, migrant workers and their families (paragraph 38 of the Salvador Declaration), emerging forms of crime that have a significant impact on the environment (paragraph 14) and international cooperation in criminal matters (paragraph 21);

9. *Requests* the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened prior to the twentieth session of the Commission, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime;

10. *Also requests* the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 49 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened between the twentieth and twenty-first sessions of the Commission, to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps;

11. *Requests* the open-ended intergovernmental expert groups established pursuant to paragraphs 9 and 10 above to report to the Commission on Crime Prevention and Criminal Justice on progress in their work;

12. *Requests* the United Nations Office on Drugs and Crime, in the development and implementation of its technical assistance programmes, to aim for sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening criminal justice systems, as well as promoting the rule of law, and to design such programmes to achieve those aims for all components of the criminal justice system, in an integrated way and with a long-term perspective, increasing the capacity of

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[74] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[75] Ibid., vol. 2349, No. 42146.

requesting States to prevent and suppress the various types of crime affecting societies, including organized crime and cybercrime;

13. *Also requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance to facilitate the ratification and implementation of the Convention against Corruption, the Organized Crime Convention and the international instruments related to the prevention and suppression of terrorism;

14. *Requests* the Commission on Crime Prevention and Criminal Justice to consider at its twentieth session options to improve the efficiency of the process involved in the United Nations congresses on crime prevention and criminal justice, taking into account the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006;[76]

15. *Requests* the Secretary-General to distribute the report of the Twelfth Congress, including the Salvador Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that the recommendations of the Congress are disseminated as widely as possible, and to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Salvador Declaration for consideration and action by the Commission on Crime Prevention and Criminal Justice at its twentieth session;

16. *Welcomes with appreciation* the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015;

17. *Expresses its profound gratitude* to the people and Government of Brazil for the warm and generous hospitality extended to the participants in the Twelfth Congress and for the excellent facilities provided for the Congress;

18. *Requests* the Secretary-General to submit to it, at its sixty-sixth session, a report on the implementation of the present resolution.

Annex

Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World

We, the States Members of the United Nations,

Having assembled at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice[77] in Salvador, Brazil, from 12 to 19 April 2010 to take more effective concerted action, in a spirit of cooperation, to prevent, prosecute and punish crime and seek justice,

Recalling the work of the eleven previous United Nations congresses on crime prevention and criminal justice, the conclusions and recommendations of the regional preparatory meetings[78] for the Twelfth Congress and the documents prepared by the relevant working groups established by the Commission on Crime Prevention and Criminal Justice,[79]

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[76] E/CN.15/2007/6.

[77] In line with General Assembly resolutions 46/152, 56/119, 62/173, 63/193 and 64/180.

[78] A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

Reaffirming the necessity of respecting and protecting human rights and fundamental freedoms in the prevention of crime and the administration of, and access to, justice, including criminal justice,

Recognizing the centrality of crime prevention and the criminal justice system to the rule of law and that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

Noting with concern the rise of new and emerging forms of transnational crime,

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

Stressing the need to strengthen international, regional and subregional cooperation to effectively prevent, prosecute and punish crime, in particular by enhancing the national capacity of States through the provision of technical assistance,

Greatly concerned also by criminal acts against migrants, migrant workers and their families and other groups in vulnerable situations, particularly those acts motivated by discrimination and other forms of intolerance,

Declare as follows:

1. We recognize that an effective, fair and humane criminal justice system is based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime.

2. We also recognize that it is the responsibility of each Member State to update, where appropriate, and maintain an effective, fair, accountable and humane crime prevention and criminal justice system.

3. We acknowledge the value and impact of the United Nations standards and norms in crime prevention and criminal justice and endeavour to use those standards and norms as guiding principles in designing and implementing our national crime prevention and criminal justice policies, laws, procedures and programmes.

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[79] Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice (Bangkok, 15-18 August 2006); group of experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (Bangkok, 23-25 March 2009); expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (Bangkok, 23-26 November 2009); expert group on protection against trafficking in cultural property (Vienna, 24-26 November 2009); expert group on improving the collection, reporting and analysis of crime data (Buenos Aires, 8-10 February 2010).

4. Bearing in mind the universal character of the United Nations standards and norms in crime prevention and criminal justice, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing and, if necessary, updating and supplementing them. In order to render them effective, we recommend that appropriate efforts be made to promote the widest application of those standards and norms and to raise awareness of them among authorities and entities responsible for their application at the national level.

5. We acknowledge the need for Member States to ensure effective gender equality in crime prevention, access to justice and the protection offered by the criminal justice system.

6. We express deep concern about the pervasiveness of violence against women in all its different forms and manifestations worldwide, and urge States to enhance efforts to prevent, prosecute and punish violence against women. In this regard, we note with appreciation the draft updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, as finalized by the intergovernmental expert group at its meeting held in Bangkok from 23 to 25 March 2009,[80] and look forward to their consideration by the Commission on Crime Prevention and Criminal Justice.

7. We recognize the importance of adopting appropriate legislation and policies to prevent victimization, including revictimization, and to provide protection and assistance to victims.

8. We consider that international cooperation and technical assistance can play an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening our criminal justice systems and promoting the rule of law. Specific technical assistance programmes should thus be designed to achieve these aims, for all the components of the criminal justice system, in an integrated way and with a long-term perspective, enabling the capacity of requesting States to prevent and suppress the various types of crime affecting their societies, including organized crime. In that regard, the experience and expertise accumulated over the years by the United Nations Office on Drugs and Crime constitute a valuable asset.

9. We strongly recommend the allocation of sufficient human and financial resources to develop and implement effective policies, programmes and training dealing with crime prevention, criminal justice and the prevention of terrorism. In this regard, we stress the serious need to provide the United Nations Office on Drugs and Crime with a level of resources commensurate with its mandate. We call on Member States and other international donors to support, and coordinate with, the United Nations Office on Drugs and Crime, including its regional and country offices, the institutes of the United Nations crime prevention and criminal justice programme network and requesting States in the provision of technical assistance to strengthen their capacity to prevent crime.

10. We acknowledge the leading role of the United Nations Office on Drugs and Crime in providing technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.

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[80] See E/CN.15/2010/2.

11. We invite the Commission on Crime Prevention and Criminal Justice to consider strengthening the capacity of the United Nations Office on Drugs and Crime to collect, analyse and disseminate accurate, reliable and comparable data on world crime and victimization trends and patterns, and we call on Member States to support the gathering and analysis of information and to consider designating focal points and provide information when requested to do so by the Commission.

12. We welcome the decision of the Commission on Crime Prevention and Criminal Justice to engage in a thematic debate on protection against trafficking in cultural property and the recommendations made by the open-ended intergovernmental expert group on protection against trafficking in cultural property at its meeting held in Vienna from 24 to 26 November 2009, and invite the Commission to conduct appropriate follow-up, including, inter alia, exploring the need for guidelines for crime prevention with respect to trafficking in cultural property. Furthermore, we urge States that have not yet done so to develop effective legislation to prevent, prosecute and punish this crime in any of its forms and to strengthen international cooperation and technical assistance in this area, including the recovery and return of cultural property, bearing in mind the existing relevant international instruments, including the United Nations Convention against Transnational Organized Crime,[81] where appropriate.

13. We recognize the increasing risk of the convergence of transnational organized crime and illicit networks, many of which are new or evolving. We call upon Member States to cooperate, including through information-sharing, in an effort to address these evolving transnational criminal threats.

14. We acknowledge the challenge posed by emerging forms of crime that have a significant impact on the environment. We encourage Member States to strengthen their national crime prevention and criminal justice legislation, policies and practices in this area. We invite Member States to enhance international cooperation, technical assistance and the sharing of best practices in this area. We invite the Commission on Crime Prevention and Criminal Justice, in coordination with the relevant United Nations bodies, to study the nature of the challenge and ways to deal with it effectively.

15. We express our serious concerns about the challenge posed by economic fraud and identity-related crime and their links to other criminal and, in some cases, terrorist activities. We therefore invite Member States to take appropriate legal measures to prevent, prosecute and punish economic fraud and identity-related crime and to continue to support the work of the United Nations Office on Drugs and Crime in this area. Furthermore, Member States are encouraged to enhance international cooperation in this area, including through the exchange of relevant information and best practices, as well as through technical and legal assistance.

16. We recognize that international cooperation in criminal matters in accordance with international obligations and national laws is a cornerstone of the efforts of States to prevent, prosecute and punish crime, in particular in its transnational forms, and we encourage the continuation and reinforcement of such activities at all levels.

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[81] United Nations, *Treaty Series*, vol. 2225, No. 39574.

17. We call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,[82] welcome the establishment of its mechanism for the review of implementation, look forward to its effective implementation and acknowledge the work of the intergovernmental working groups on asset recovery and technical assistance.

18. We also call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[83] and note with appreciation the decision of the General Assembly, in its resolution 64/179 of 18 December 2009, to hold in 2010 high-level meetings and a special treaty event. We also take note of ongoing initiatives aimed at exploring options regarding an appropriate and effective mechanism to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention.

19. We call upon Member States that have not yet done so to consider ratifying or acceding to the international instruments against terrorism, including its financing. We also call upon all States parties to use those instruments and the relevant United Nations resolutions to enhance international cooperation in countering terrorism in all its forms and manifestations and its financing, including evolving features of the latter.

20. We call on Member States, consistent with their international obligations, to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters. In this perspective, regional legal cooperation networks could be supported.

21. Aware that gaps may exist in relation to international cooperation in criminal matters, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing this issue and explore the need for various means of addressing gaps that are identified.

22. We emphasize the need for the adoption of effective measures to implement the provisions on preventing, prosecuting and punishing money-laundering contained in the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. We encourage Member States to develop strategies to combat money-laundering based on the provisions of these two Conventions.

23. We encourage Member States to consider developing strategies or policies to combat illicit capital flows and to curb the harmful effects of jurisdictions and territories uncooperative in tax matters.

24. We recognize the need to deny criminals and criminal organizations the proceeds of their crimes. We call on all Member States, within their national legal systems, to adopt effective mechanisms for the seizure, restraint and confiscation of proceeds of crime and to strengthen international cooperation to ensure effective and prompt asset recovery. We also call on States to preserve the value of seized and

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[82] Ibid., vol. 2349, No. 42146.

[83] Ibid., vols. 2237, 2241 and 2326, No. 39574.

confiscated assets, including through disposal, where appropriate and possible, where there is a risk of their value diminishing.

25. Bearing in mind the need to reinforce criminal justice systems of developing countries and countries with economies in transition, we urge States parties to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to fully implement the technical assistance provisions of each Convention, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated under each Convention to fund technical assistance through the United Nations Office on Drugs and Crime.

26. We are convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners. We stress that such responses should take into account the human rights and best interests of children and youth, as called for in the Convention on the Rights of the Child and the Optional Protocols thereto,[84] where applicable, and in other relevant United Nations standards and norms in juvenile justice,[85] where appropriate.

27. We support the principle that the deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time. We recommend the broader application, as appropriate, of alternatives to imprisonment, restorative justice and other relevant measures that foster the diversion of young offenders from the criminal justice system.

28. We call on States to develop and strengthen, where appropriate, legislation, policies and practices to punish all forms of crime that target children and youth, as well as for the protection of child victims and witnesses.

29. We encourage States to provide tailored training in an interdisciplinary approach to those involved in the administration of juvenile justice.

30. We invite the Commission on Crime Prevention and Criminal Justice to consider requesting the United Nations Office on Drugs and Crime to design and provide to States specific technical assistance programmes to achieve these aims.

31. We call on civil society, including the media, to support the efforts to protect children and youth from exposure to content that may exacerbate violence and crime, particularly content depicting and glorifying acts of violence against women and children.

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[84] Ibid., vols. 1577, 2171 and 2173, No. 27531.

[85] The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (Assembly resolution 45/110, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex) and the basic principles on the use of restorative justice programmes in criminal matters (Council resolution 2002/12, annex).

32. We are convinced of the need to accelerate efforts to fully implement the United Nations guidelines on crime prevention and the prevention components of existing conventions and other relevant international standards and norms.

33. We recognize that the development and adoption of crime prevention policies and their monitoring and evaluation are the responsibility of States. We believe that such efforts should be based on a participatory, collaborative and integrated approach that includes all relevant stakeholders including those from civil society.

34. We recognize the importance of strengthening public-private partnerships in preventing and countering crime in all its forms and manifestations. We are convinced that through the mutual and effective sharing of information, knowledge and experience and through joint and coordinated actions, Governments and businesses can develop, improve and implement measures to prevent, prosecute and punish crime, including emerging and changing challenges.

35. We stress the need for all States to have national and local action plans for crime prevention that take into account, inter alia, factors that place certain populations and places at higher risk of victimization and/or offending in a comprehensive, integrated and participatory manner, and for such plans to be based on the best available evidence and good practices. We stress that crime prevention should be considered an integral element of strategies to foster social and economic development in all States.

36. We urge Member States to consider adopting legislation, strategies and policies for the prevention of trafficking in persons, the prosecution of offenders and the protection of victims of trafficking, consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. We call on Member States, where applicable, in cooperation with civil society and non-governmental organizations, to follow a victim-centred approach with full respect for the human rights of the victims of trafficking, and to make better use of the tools developed by the United Nations Office on Drugs and Crime.

37. We urge Member States to consider adopting and implementing effective measures to prevent, prosecute and punish the smuggling of migrants and to ensure the rights of smuggled migrants, consistent with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In this context, we recommend that Member States, inter alia, undertake awareness-raising campaigns, in cooperation with civil society and non-governmental organizations.

38. We affirm our determination to eliminate violence against migrants, migrant workers and their families, and we call on Member States to adopt measures for preventing and addressing effectively cases of such violence and to ensure that those individuals receive humane and respectful treatment from States, regardless of their status. We also invite Member States to take immediate steps to incorporate into international crime prevention strategies and norms measures to prevent, prosecute and punish crimes involving violence against migrants, as well as violence associated with racism, xenophobia and related forms of intolerance. We invite the Commission on Crime Prevention and Criminal Justice to consider this issue further in a comprehensive manner.

39. We note that the development of information and communications technologies and the increasing use of the Internet create new opportunities for offenders and facilitate the growth of crime.

40. We realize the vulnerability of children, and we call upon the private sector to promote and support efforts to prevent child sexual abuse and exploitation through the Internet.

41. We recommend that the United Nations Office on Drugs and Crime, upon request, provide, in cooperation with Member States, relevant international organizations and the private sector, technical assistance and training to States to improve national legislation and build the capacity of national authorities, in order to deal with cybercrime, including the prevention, detection, investigation and prosecution of such crime in all its forms, and to enhance the security of computer networks.

42. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime.

43. We endeavour to take measures to promote wider education and awareness of the United Nations standards and norms in crime prevention and criminal justice to ensure a culture of respect for the rule of law. In this regard, we recognize the role of civil society and the media in cooperating with States in these efforts. We invite the United Nations Office on Drugs and Crime to continue to play a key role in the development and implementation of measures to promote and develop such a culture, in close coordination with other relevant United Nations entities.

44. We undertake to promote appropriate training of officials entrusted with upholding the rule of law, including correctional facility officers, law enforcement officials and the judiciary, as well as prosecutors and defence lawyers, in the use and application of those standards and norms.

45. We are concerned by urban crime and its impact on specific populations and places. We therefore recommend stronger coordination between security and social policies, with a view to addressing some of the root causes of urban violence.

46. We recognize that specific groups are particularly vulnerable to situations of urban crime, and we therefore recommend the adoption and implementation of civic intercultural programmes, where appropriate, aimed at combating racism and xenophobia, reducing the exclusion of minorities and migrants and thus promoting community cohesion.

47. We acknowledge the increasing links between transnational organized crime and drug trafficking in the context of the world drug problem. In this regard, we stress the urgent need for all States to enhance bilateral, regional and international cooperation to effectively counter the challenges posed by these links.

48. We recognize that the penitentiary system is one of the key components of the criminal justice system. We endeavour to use the United Nations standards and norms for the treatment of prisoners as a source of guidance in the development or updating of our national codes of penitentiary administration.

49. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

50. We welcome the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders.[86] Taking note of the outcome and the recommendations of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, we recommend that the Commission on Crime Prevention and Criminal Justice consider them as a matter of priority for appropriate action.

51. We stress the need to reinforce alternatives to imprisonment, which may include community service, restorative justice and electronic monitoring and support rehabilitation and reintegration programmes, including those to correct offending behaviour, and educational and vocational programmes for prisoners.

52. We recommend that Member States endeavour to reduce pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms.

53. We support effective and efficient follow-up of the outcomes of the United Nations congresses on crime prevention and criminal justice. We welcome the inclusion of a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice at its annual sessions on this matter and on preparations for future congresses on crime prevention and criminal justice.

54. We welcome with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

55. We express our profound gratitude to the people and Government of Brazil for their warm and generous hospitality and for the excellent facilities provided for the Twelfth Congress.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

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[86] A/CONF.213/17.

Draft resolution I

Crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking

The Economic and Social Council,

Reaffirming its resolution 2003/29 of 22 July 2003, entitled "Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property", and its resolutions 2004/34 of 21 July 2004 and 2008/23 of 24 July 2008, entitled "Protection against trafficking in cultural property",

Recalling General Assembly resolutions 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009 on the return or restitution of cultural property to the countries of origin, as well as other relevant United Nations resolutions,

Recalling also the role of the Commission on Crime Prevention and Criminal Justice in crime prevention and criminal justice responses to trafficking in cultural property, as well as the role of the United Nations Educational, Scientific and Cultural Organization in the field of cultural property,

Recalling further the need for continued technical cooperation between the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization within their respective mandates,

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[87] the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[88] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954,[89] and the two Protocols thereto adopted on 14 May 1954[90] and 26 March 1999,[91] as well as regional instruments such as the Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations, adopted by the General Assembly of the Organization of American States on 16 June 1976, and the revised European Convention on the Protection of the Archaeological Heritage, signed in Valetta on 16 January 1992, where applicable, and emphasizing the importance for States of protecting and preserving their cultural heritage in accordance with such relevant international instruments,

Reiterating the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples, and the necessity of protecting it, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property,

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[87] United Nations, *Treaty Series*, vol. 823, No. 11806

[88] Available from www.unidroit.org.

[89] United Nations, *Treaty Series*, vol. 249, No. 3511.

[90] Ibid.

[91] Ibid., vol. 2253, No. 3511.

Expressing concern that, notwithstanding its significance as part of the cultural heritage of humankind, cultural property is too often considered as mere merchandise, which not only deprives it of its cultural, historical and symbolic essence but also encourages activities that lead to its loss, destruction, removal, theft and trafficking,

Observing that cultural property is increasingly being sold through markets, including in auctions, in particular over the Internet, which gives rise to the need for effective measures, including, where appropriate, regulations in accordance with national and applicable international laws, to prevent the transfer of ownership of cultural property acquired illicitly,

Conscious of the importance of promoting public-private partnerships to address trafficking in cultural property, bearing in mind the role of technical assistance,

Recalling the deliberations of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010,[92] and the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[93] in which the Congress welcomed the decision of the Commission on Crime Prevention and Criminal Justice to engage in a thematic debate on protection against trafficking in cultural property and the recommendations made by the open-ended intergovernmental expert group on protection against trafficking in cultural property at its meeting held in Vienna from 24 to 26 November 2009, and in which it invited the Commission to conduct appropriate follow-up, including exploring the need for guidelines for crime prevention with respect to trafficking in cultural property,

Recalling also that in the Salvador Declaration the Twelfth Congress urged States that had not yet done so to develop effective legislation to prevent, prosecute and punish trafficking in cultural property in any of its forms and to strengthen international cooperation and technical assistance in this area, including the recovery and return of cultural property, bearing in mind the existing relevant international instruments, including the United Nations Convention against Transnational Organized Crime,[94] where appropriate,

Taking note with appreciation of the report of the Secretary-General on protection against trafficking in cultural property,[95]

Alarmed at the growing involvement of organized criminal groups in all aspects of trafficking in cultural property, and underscoring in that regard the potential utility of the Organized Crime Convention in reinforcing international cooperation in the fight against trafficking in cultural property, including its illicit removal from the countries of origin, through, inter alia, mutual legal assistance, extradition and the recovery of the proceeds of crime,

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[92] A/CONF.213/18.

[93] Ibid., chap. I, resolution 1.

[94] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[95] E/CN.15/2010/4.

Desiring to raise awareness among all States concerning the frequent difficulty of demonstrating the circumstances, place, time and manner of the theft and pillage of cultural property, and recognizing the importance of providing the most extensive international cooperation consistent with applicable international instruments and mechanisms,

Recognizing the need, where appropriate, to strengthen and fully implement mechanisms for the recovery and return of cultural property that has been stolen or trafficked, as well as those for its protection and preservation,

1. *Welcomes* the report of the meeting of the expert group on protection against trafficking in cultural property, held in Vienna from 24 to 26 November 2009 in accordance with Economic and Social Council resolution 2008/23 of 24 July 2008, and invites Member States to provide adequate follow-up to the recommendations of the expert group on prevention, criminalization, cooperation, awareness-raising, capacity-building and technical assistance, and use of new technologies;[96]

2. *Requests* the United Nations Office on Drugs and Crime, in accordance with its mandate and as a complement to existing work and in close cooperation with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations, to provide appropriate follow-up to the recommendations of the expert group on protection against trafficking in cultural property and to convene at least one additional open-ended intergovernmental expert group meeting to submit to the Commission on Crime Prevention and Criminal Justice, at its twenty-second session, practical proposals for implementing, where appropriate, those recommendations, giving due attention to aspects of criminalization, international cooperation and mutual legal assistance;

3. *Invites* Member States to take appropriate measures to prevent cultural property from being trafficked, and notes in that regard the need for adequate technical assistance;

4. *Urges* Member States and relevant institutions, as appropriate, to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property, as well as to facilitate the recovery and return of such property;

5. *Also urges* Member States to take effective measures to prevent illicitly acquired cultural property from being transferred, especially through auctions, including over the Internet, and to effect its recovery and return to its rightful owners;

6. *Further urges* Member States to protect cultural property and prevent trafficking in such property by introducing appropriate legislation, including, in particular, procedures for its seizure, recovery and return, as well as by promoting education, launching awareness-raising campaigns, locating and inventorying such property, adopting adequate security measures, developing the capacities and human resources of monitoring institutions such as the police, customs services and the

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[96] E/CN.15/2010/5.

tourism sector, involving the media and disseminating information on the theft and pillaging of cultural property;

7. *Takes note* of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[97] which was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and welcomed by the General Assembly in its resolution 45/121 of 14 December 1990, and invites Member States to continue to submit in writing their views on the model treaty, including on its potential utility and whether any improvements to it should be considered;

8. *Invites* Member States to consider, as appropriate, reviewing their legal frameworks with a view to providing the most extensive international cooperation possible to fully address the situation of cultural property being trafficked through clandestine activities;

9. *Encourages* Member States to take all appropriate measures aimed at maximizing transparency in the activities of traders in cultural property;

10. *Urges* Member States to continue to strengthen cooperation and mutual legal assistance for the prevention, prosecution and punishment of crimes against cultural property that forms part of the cultural heritage of peoples, and, in that connection, invites them to consider ratifying and implementing the relevant international instruments, including, as appropriate, the United Nations Convention against Transnational Organized Crime;[98]

11. *Urges* all States that have not yet ratified or acceded to the Convention for the Protection of Cultural Property in the Event of Armed Conflict[99] to consider doing so, and urges States parties to the Convention to fully implement its provisions, in particular articles 4 and 5, whereby States parties undertake to respect cultural property situated within their own territory or within the territory of other parties, including territories occupied in whole or in part by them;

12. *Considers* that the Organized Crime Convention and the United Nations Convention against Corruption[100] should be fully used for the purpose of strengthening the fight against trafficking in cultural property, including by exploring other possible normative developments, when appropriate;

13. *Requests* the United Nations Office on Drugs and Crime to join the United Nations Educational, Scientific and Cultural Organization and other relevant international organizations in promoting and organizing meetings, seminars and similar events to which the Office can contribute as regards the crime prevention and criminal justice aspects of protection against trafficking in cultural property;

14. *Invites* Member States to hold regional and subregional meetings in all regions on the subject of protection against trafficking in cultural property;

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[97] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990*: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

[98] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[99] Ibid., vol. 249, No. 3511.

[100] Ibid., vol. 2349, No. 42146.

15. *Also invites* Member States to consider trafficking in cultural property a serious crime;

16. *Requests* the United Nations Office on Drugs and Crime, in accordance with its mandate and in close cooperation with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations, to further explore the development of specific guidelines for crime prevention with respect to trafficking in cultural property;

17. *Encourages* the United Nations Office on Drugs and Crime to continue to contribute to the cooperative network established among the United Nations Educational, Scientific and Cultural Organization, the International Council of Museums, the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law and the World Customs Organization in the areas of trafficking in cultural property and its recovery and return;

18. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and in accordance with its mandate and in close cooperation with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations, to explore possibilities for the collection, analysis and dissemination of relevant data, specifically addressing the relevant aspects of trafficking in cultural property;

19. *Invites* Member States and other donors to provide extrabudgetary resources, where necessary and in accordance with the rules and procedures of the United Nations, for the implementation of the relevant paragraphs of the present resolution;

20. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the implementation of the present resolution.

Draft resolution II

Support for the development and implementation of an integrated approach to programme development at the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling General Assembly resolution 63/197 of 18 December 2008, entitled "International cooperation against the world drug problem", and Assembly resolution 64/179 of 18 December 2009, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity",

Recalling also the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,[101] which provides a clear framework for the work of the Office,

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[101] Economic and Social Council resolution 2007/12, annex.

Recalling further its resolution 2009/23 of 30 July 2009, entitled "Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime",

1. *Welcomes* the report on regional programmes and the progress made in developing an integrated programme approach, comprising thematic and regional programmes for the delivery of the normative and technical assistance mandates of the United Nations Office on Drugs and Crime;

2. *Expresses its appreciation* for the increased national ownership and participation that the regional programmes have garnered, and encourages Member States in other subregions to engage with the United Nations Office on Drugs and Crime in the preparation of similar, subregional programmes;

3. *Encourages* Member States to support the regional and thematic programmes of the United Nations Office on Drugs and Crime through unearmarked voluntary contributions, whenever possible, thereby supporting national ownership and regional prioritization;

4. *Welcomes* the advances in the implementation of the Santo Domingo Pact and Managua Mechanism interregional initiative;

5. *Looks forward* to the results of the implementation of the regional programmes for East Asia and the Pacific, South-Eastern Europe, Central America and the Caribbean, and Eastern Africa;

6. *Welcomes* the holding in Cairo, from 27 to 29 April 2010, of the regional expert meeting organized by the League of Arab States in partnership with the United Nations Office on Drugs and Crime, and with the support of the Government of Egypt, on drug control, crime prevention and criminal justice reform in the Arab States, in order to prepare a regional programme for the period 2011-2015;

7. *Requests* the United Nations Office on Drugs and Crime to continue with the development of regional programmes in 2010;

8. *Notes* the increased coherence of the regional and thematic programmes, with a view to achieving the simplification of implementation modalities;

9. *Supports* the work of the United Nations Office on Drugs and Crime in leading the development of the integrated programme approach;

10. *Encourages* Member States, where appropriate, to draw on the technical assistance activities outlined in the regional programmes of the United Nations Office on Drugs and Crime and to use the regional programmes as a vehicle to increase regional cooperation for thematic strategies;

11. *Encourages* bilateral and multilateral aid agencies and financial institutions to continue to support the implementation of regional programmes of the United Nations Office on Drugs and Crime;

12. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to continue giving high priority and support to the implementation of the integrated programme approach through the promotion of the regional and thematic programmes, and to report on progress made in such implementation to the Commission on Crime Prevention and Criminal Justice at its twentieth session, in

the first half of 2011, and to share the report with the Commission on Narcotic Drugs at its fifty-fourth session.

C. Draft decision for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decision:

Draft decision

Report of the Commission on Crime Prevention and Criminal Justice on its nineteenth session and provisional agenda for its twentieth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its nineteenth session;

(b) Decides that the prominent theme for the twentieth session of the Commission will be "Protecting children in a digital age: the misuse of technology in the abuse and exploitation of children";

(c) Also decides that the prominent theme for the twenty-first session of the Commission will be "Violence against migrants, migrant workers and their families", bearing in mind paragraph 38 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World;[102]

(d) Further decides that the prominent theme for the twenty-second session of the Commission will be "Challenges posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively", bearing in mind paragraph 14 of the Salvador Declaration;

(e) Decides that the prominent theme for the twenty-third session of the Commission will be "International cooperation in criminal matters", bearing in mind paragraph 21 of the Salvador Declaration;

(f) Calls upon Member States wishing to identify new or emerging crime issues to provide information to the United Nations Office on Drugs and Crime in a timely manner so that such information can be taken into consideration in the preparation of the report of the Secretary-General on the agenda item relating to world crime trends and emerging issues and responses;

(g) Decides that the Commission, at its next intersessional meeting, should consider options on how to improve its methods of work, including with regard to the submission and consideration of draft resolutions and decisions;

(h) Approves the provisional agenda and documentation for the twentieth session of the Commission set out below.

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[102] A/CONF.213/18, chap. I, resolution 1.

Provisional agenda and documentation for the twentieth session of the Commission on Crime Prevention and Criminal Justice

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

   Documentation

   Provisional agenda and annotations

3. Strategic management, budgetary and administrative questions:

   (a) Work of the working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;

   (b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme.

   Documentation

   Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime

   Report of the Secretary-General on the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime

   Note by the Secretariat on the work of the working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime

   Report of the Executive Director on the realignment of the Division for Treaty Affairs and the Division for Operations of the United Nations Office on Drugs and Crime

   Note by the Secretary-General transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

4. Thematic discussion: "Protecting children in a digital age: the misuse of technology in the abuse and exploitation of children".

   Documentation

   Note by the Secretariat

5. Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:

   (a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

   (b) Ratification and implementation of the United Nations Convention against Corruption;

   (c) Ratification and implementation of the international instruments to prevent and combat terrorism;

   (d) Other crime prevention and criminal justice matters;

(e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies.

Documentation

Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption

Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism

Report of the Secretary-General on the activities of the institutes of the United Nations crime prevention and criminal justice programme network

Report of the Secretary-General on strengthening the rule of law through improved integrity and capacity of prosecution services

6. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.

Documentation

Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime

Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime

Report of the Secretary-General on improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime

Note by the Secretariat on the activities of the expert group on civilian private security services

Note by the Secretariat (*as required*)

7. Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

Documentation

Report of the Secretary-General (*as required*)

8. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice

Report of the Secretary-General on national and international efforts for child justice reform, in particular through improved coordination in technical assistance

9. Provisional agenda for the twenty-first session of the Commission.

10. Other business.

11. Adoption of the report of the Commission on its twentieth session.

D. Matters brought to the attention of the Economic and Social Council

4. The following resolutions and decisions adopted by the Commission on Crime Prevention and Criminal Justice are brought to the attention of the Economic and Social Council:

Resolution 19/1

Strengthening public-private partnerships to counter crime in all its forms and manifestations

The Commission on Crime Prevention and Criminal Justice,

Aware of the increasing number of public-private partnerships worldwide,

Recalling General Assembly resolutions 60/215 of 22 December 2005, 62/211 of 19 December 2007 and 64/223 of 21 December 2009, entitled "Towards global partnerships",

Emphasizing that States have primary responsibility for public order, safety and security,

Emphasizing also that, given the nature and scale of today's constantly evolving criminal challenges and threats, Member States may need the active engagement of the private sector, as an important element of civil society, to successfully counter those challenges and threats,

Bearing in mind the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[103] in which Member States recognized the importance of strengthening public-private partnerships in preventing and countering crime in all its forms and manifestations, and convinced that, through the mutual and effective sharing of information, knowledge and experience and through joint and coordinated actions, Governments and businesses can develop, improve and implement measures to prevent, prosecute and punish crime, including emerging and changing challenges,

Mindful of the fact that much of the international information, communications and commercial infrastructure targeted or exploited by criminals and terrorists is developed, operated and maintained by the private sector,

Recognizing the support and participation of the private sector in ongoing initiatives of the United Nations Office on Drugs and Crime to counter crime in all its forms and manifestations,

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[103] A/CONF.213/18, chap. I, resolution 1.

Recognizing also that strategic engagement with the private sector is an effective method for advancing United Nations goals, including the Millennium Development Goals,

Recalling the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,[104]

Bearing in mind the important contributions of the private sector in enhancing the effectiveness of the relevant international legal instruments dealing with drugs, crime and terrorism,

Taking note of the United Nations Global Compact and the Guidelines on Cooperation between the United Nations and the Business Sector, which set up frameworks for innovative and practical collaboration with the business sector,

Taking note also of the Strategy for Partnerships between States and Businesses to Counter Terrorism,[105] which laid out a broad platform for public-private partnerships to counter terrorism,

1. *Encourages* Member States to cooperate with the private sector, in accordance with national priorities and legislation, on a voluntary basis and within their respective areas of competence, in the spirit of partnership and mutual trust, to counter all forms of crime, including drug trafficking and terrorism;

2. *Invites* Member States, in close cooperation with the United Nations Office on Drugs and Crime and, where appropriate, the International Narcotics Control Board and other relevant intergovernmental organizations, to further raise awareness, identify priority areas for partnerships, disseminate good practices and support networking;

3. *Requests* the United Nations Office on Drugs and Crime, in cooperation with Member States, to collect, analyse and disseminate information from Member States on their efforts to promote public-private partnerships to counter crime in all its forms and manifestations, as well as to include such information in the Office's data-collection activities;

4. *Invites* Member States and, where appropriate, the United Nations Office on Drugs and Crime, the International Narcotics Control Board and other relevant intergovernmental organizations and the private sector to engage in dialogue with a view to identifying priority areas for public-private partnerships;

5. *Requests* the United Nations Office on Drugs and Crime to identify, under the guidance of Member States, priority areas for such partnerships to be strengthened within the Office;

6. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to strive to involve the private sector, as appropriate, in its activities to counter crime in all its forms and manifestations;

7. *Encourages* Member States and the United Nations Office on Drugs and Crime to take steps to raise the awareness of interested private sector entities about

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[104] A/64/92-E/2009/98, sect. II.A.

[105] A/61/606-S/2006/936, annex.

available United Nations sources of information with a view to strengthening public-private partnerships to counter crime in all its forms and manifestations;

8. *Invites* Member States and other donors to provide extrabudgetary resources, where necessary and in accordance with the rules and procedures of the United Nations, for the implementation of the relevant paragraphs of the present resolution;

9. *Requests* the United Nations Office on Drugs and Crime to inform Member States regularly about its engagement with the private sector and about related processes and results;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the implementation of the present resolution.

Resolution 19/2

Strengthening the collection, analysis and reporting of comparable crime-related data

The Commission on Crime Prevention and Criminal Justice,

Aware that the availability of internationally comparable information on crime is very limited,

Recognizing the need for accurate information about global crime trends and patterns, including specific crime issues, and the need to improve the quality, scope and completeness of crime-related data,

Recalling the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,[106] one of the objectives of which is to enhance knowledge of thematic and cross-sectoral trends for effective policy formulation, operational response and impact assessment in drugs and crime,

Bearing in mind the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[107] in which Member States invited the Commission to strengthen the analytical capacity of the United Nations Office on Drugs and Crime,

Recalling General Assembly resolution 64/179 of 18 December 2009, in which the Assembly requested the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the collection, analysis and dissemination of information to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources,

Taking note of Economic and Social Council resolution 2009/25 of 30 July 2009 on improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime, in which the Council requested the United Nations Office on Drugs and Crime to establish an intergovernmental working group of experts to prepare recommendations on the improvement of tools for the collection of relevant crime data, and requested the Secretary-General, in coordination with the Statistical Commission, to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the resolution,

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[106] Economic and Social Council resolution 2007/12, annex.

[107] A/CONF.213/18, chap. I, resolution 1.

1. *Takes note* of the recommendations made at the expert group meeting held in Buenos Aires from 8 to 10 February 2010,[108] which are intended to assist the United Nations Office on Drugs and Crime in improving the collection, analysis and reporting of crime data;

2. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to strengthen the collection, analysis and reporting of accurate, reliable and comparable data on world crime trends and patterns, as well as to conduct studies on priority issues identified by Member States within the mandate of the Office;

3. *Also requests* the United Nations Office on Drugs and Crime to continue developing a simple and efficient reporting system that will encourage Member States to report, in a coordinated, timely and integrated way, data related to their efforts, achievements and challenges in the area of crime prevention, as well as provide information relating to the nature, extent and evolution of their national crime situations;

4. *Further requests* the United Nations Office on Drugs and Crime to continue providing technical assistance, upon request, to Member States in order to enhance their capacity to collect, analyse and report crime-related data;

5. *Invites* Member States to strengthen their efforts to review and improve data-collection tools in order to enhance knowledge on world crime trends and patterns;

6. *Requests* the Secretary-General to report to it at its twentieth session on the implementation of the present resolution.

Resolution 19/3

Hosting of the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors by the Republic of Korea

The Commission on Crime Prevention and Criminal Justice,

Emphasizing the significance of international cooperation in criminal matters, to which prosecutors can make a major contribution,

Recalling its resolution 18/4 of 24 April 2009, entitled "Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors",

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[108] E/CN.15/2010/14.

Deeply regretting the devastating natural disaster that struck Chile in February 2010 and that led to the Government of Chile withdrawing its offer to act as host to the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors,

1. *Takes note* of the conclusions and recommendations of the Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Bucharest on 24 and 25 March 2009;[109]

2. *Welcomes* the initiative of the Government of the Republic of Korea to act as host to the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, in 2011;

3. *Requests* the United Nations Office on Drugs and Crime to assist the Government of the Republic of Korea in the preparations for the Fourth World Summit in collaboration with the technical secretariat of the World Summit and the International Association of Prosecutors, and invites Member States and other donors to provide extrabudgetary contributions, in accordance with the rules and procedures of the United Nations, for assisting in the hosting of the Fourth World Summit.

Resolution 19/4

Measures for achieving progress on the issue of trafficking in persons, pursuant to the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World

The Commission on Crime Prevention and Criminal Justice,

Bearing in mind the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[110] adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010,

Emphasizing that trafficking in persons was addressed in its broad sense in the Salvador Declaration and without comment by Member States on specific problems relating to this crime or on national, subregional and regional progress in measures to discourage the demand for such trafficking,

Recalling the General Assembly resolutions on measures to improve coordination efforts against trafficking in persons and other Assembly resolutions on trafficking in persons and other contemporary forms of slavery, in particular resolutions 61/180 of 8 March 2007, 63/156 of 18 December 2008, 63/194 of 18 December 2008, 64/137 of 18 December 2009 and 64/178 of 18 December 2009,

Recalling Economic and Social Council resolution 2008/33 of 25 July 2008 on strengthening coordination of the United Nations and other efforts in fighting trafficking in persons and previous Council resolutions on trafficking in persons,

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[109] E/CN.15/2009/18.

[110] A/CONF.213/18, chap. I, resolution 1.

Welcoming Human Rights Council resolution 11/3 of 17 June 2009 on trafficking in persons, especially women and children,

Reaffirming the commitment made by world leaders at the Millennium Summit and the 2005 World Summit to devise and enforce effective measures to prevent, prosecute and punish all forms of trafficking in persons and to improve existing measures to eliminate demand for and protect victims of trafficking, consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[111]

Highlighting the commitments made by States parties to the United Nations Convention against Transnational Organized Crime[112] and the Trafficking in Persons Protocol,

Highlighting in particular the fact that, under the Trafficking in Persons Protocol, States are urged, inter alia, to take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunities,

Also highlighting in particular the fact that, under the Trafficking in Persons Protocol, States are urged, inter alia, to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation leading to trafficking in persons, especially women and children,

Underlining the importance of the support provided by the United Nations Office on Drugs and Crime to Member States in implementing the Organized Crime Convention and the Trafficking in Persons Protocol, and welcoming the development of tools enabling their application, in particular the general framework for action to implement the Protocol,

Bearing in mind that, among other decisions adopted at the fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, States parties were invited to take measures to discourage the demand that fosters all forms of exploitation and an open-ended intergovernmental expert group on trafficking in persons was established for the purpose of making recommendations to the Conference,

Underlining the fact that trafficking in persons has in the twenty-first century been exacerbated and become more sophisticated through the use of diverse new technologies,

Aware of the frequent lack of visibility in our societies of various forms of exploitation, such as sexual exploitation, the removal of organs, forced labour, slavery and practices similar to slavery,

Recognizing the need to continue fostering a global partnership against trafficking in persons and other contemporary forms of slavery,

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[111] United Nations, *Treaty Series*, vol. 2237, No. 39574.

[112] Ibid., vol. 2225, No. 39574.

Recognizing also that broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations is essential for effectively countering the threat of trafficking in persons and other contemporary forms of slavery,

Noting the progress made on this issue at the regional and subregional levels regarding measures to reduce demand, bearing in mind especially the results achieved with respect to clients, consumers or users of forced labour or services of victims of trafficking and other contemporary forms of slavery,

Welcoming the efforts of the Inter-Agency Coordination Group against Trafficking in Persons, drawing on the comparative advantages of the respective agencies, to share information, experiences and good practices on anti-trafficking activities of the partner agencies with Governments, other international and regional organizations, non-governmental organizations and other relevant bodies,

Emphasizing that any policy to prevent, prosecute and punish trafficking in persons must be based on full respect for human rights,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to, as appropriate, the United Nations Convention against Transnational Organized Crime[113] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention,[114] and also urges States parties to those instruments that have not yet done so to implement all aspects of them fully, including through the enactment of specific legislation on trafficking in persons;

2. *Exhorts* Governments to improve preventive measures and discourage the demand that fosters exploitation in all its forms and leads to trafficking in persons, with a view to its elimination, and accordingly to raise awareness of the negative impact of clients, consumers or users of trafficking, inasmuch as it is they who are responsible for generating demand;

3. *Exhorts* Member States to consider, within the framework of their respective national laws, among other measures, the application of criminal penalties or other penalties to consumers or users who intentionally and knowingly use the services of victims of trafficking for any kind of exploitation;

4. *Exhorts* Governments to implement measures aimed at reducing the risk of people becoming victims of trafficking, for example through awareness-raising and law enforcement activities to disrupt the operations of and prosecute traffickers.

Resolution 19/5

International cooperation in the forensic field

The Commission on Crime Prevention and Criminal Justice,

Recognizing the important investigative and intelligence role of forensic science service providers as part of criminal justice systems,

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[113] Ibid.

[114] Ibid., vol. 2237, No. 39574.

Recognizing also the importance of international cooperation and collaboration in the forensic field for the purposes of international harmonization through the worldwide exchange and coordination of forensic expertise, information and data, and mutual operational assistance and support to achieve appropriate levels of preparedness to deliver forensic services,

Recognizing further the role played by existing regional networks and associations of forensic science institutes and professionals, such as the American Society of Crime Laboratory Directors, the European Network of Forensic Science Institutes, the Senior Managers of Australian and New Zealand Forensic Laboratories, the Ibero-American Academy of Forensic Science Institutes, the Asian Forensic Sciences Network and the Southern African Regional Police Chiefs Cooperation Organisation Forensic Science Subcommittee, in promoting the quality of forensic science at the regional level,

Convinced of the need for strategic and open cooperation between existing and emerging regional networks and their members through the exchange of information and transfer of knowledge and technology to enhance regional experience, knowledge and skills,

Convinced also of the complementary role, as forensic enablers, of relevant international, regional and subregional organizations, as well as bilateral efforts, in promoting a comprehensive, synergistic, coordinated and cost-effective approach to international cooperation and collaboration in the forensic field,

Convinced further of the importance of forensic data for law enforcement and criminal intelligence purposes and the benefits of closer integration of forensic networks and associations with their forensic and law enforcement counterparts at the regional level, such as the European Network of Forensic Science Institutes and the European Police Office,

Recalling related discussions by the working group on forensic services in Africa at the Nineteenth Meeting of Heads of National Drug Law Enforcement Agencies, Africa, held in Windhoek from 12 to 16 October 2009, which recognized networking of forensic service providers as an excellent initiative to strengthen forensic capacity in the region and recommended that Governments should encourage their forensic service providers to initiate regional cooperation networks so as to strengthen their forensic capacity,

Taking note of the study on obstacles to cooperation and information-sharing among forensic science laboratories and other relevant bodies of different Member States and between these and counterparts in third countries,

Recognizing the role of the United Nations Office on Drugs and Crime in promoting international cooperation in the forensic field, including in relation to the preparatory work for the Southern African Regional Forensic Sciences Network in October 2008 and the recent inauguration of the Asian Forensic Sciences Network in Kuala Lumpur in November 2009,

1. *Calls upon* Member States and international, regional and subregional organizations and bodies to contribute to international cooperation in the forensic field by encouraging and supporting forensic science institutions to actively participate in regional networks as a means of developing sustainable forensic services worldwide; providing expertise where appropriate for the development and

maintenance of cooperative networks among forensic science service providers and scientists; and exploring innovative ways to ensure a more effective exchange of forensic expertise and information worldwide, guaranteeing the autonomy of national forensic laboratories and promoting their internal development and modernization, including education and training, in order to strengthen technical competency;

2. *Requests* the United Nations Office on Drugs and Crime to continue to support international cooperation in the forensic field, promote and facilitate the establishment and/or sustainability of regional forensic science associations or networks and, to that end, further explore areas of synergy between its traditional support for the work of drug analysis laboratories and forensic science institutions more generally;

3. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to it at its twenty-first session on the implementation of the present resolution.

Resolution 19/6

Countering maritime piracy off the coast of Somalia

The Commission on Crime Prevention and Criminal Justice,

Noting the role mandated to the United Nations Office on Drugs and Crime to assist Member States in countering maritime piracy off the coast of Somalia,

Also noting the role of the United Nations Office on Drugs and Crime in providing to the States concerned technical assistance, upon request, in the areas of capacity-building in the criminal justice sector and the implementation of conventions in countering maritime piracy off the coast of Somalia,

Further noting the role of the United Nations Office on Drugs and Crime in administering the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia with a view to defraying the expenses associated with prosecution of suspected pirates and to supporting other counter-piracy initiatives,

Taking note with appreciation of the contributions of participating States and other partners to the Trust Fund and to the United Nations Office on Drugs and Crime,

1. *Takes note* of the technical briefings provided by the Secretariat to Member States, and requests the United Nations Office on Drugs and Crime to brief Member States on a regular basis on technical assistance provided to the Member States concerned and on the administration of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia;

2. *Encourages* Member States and other donors to provide extrabudgetary resources to support the work of the United Nations Office on Drugs and Crime to assist Member States in countering maritime piracy off the coast of Somalia, within its mandate, including through its relevant regional programme, the Trust Fund and bilateral technical assistance;

3. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit a report to it at its twentieth session on the implementation of the present resolution.

Resolution 19/7

Strengthening of regional networks for international cooperation in criminal matters

The Commission on Crime Prevention and Criminal Justice,

Recognizing the importance of international legal cooperation in efforts to combat all forms of transnational organized crime,

Underlining the valuable contribution made by regional networks for cooperation in combating transnational organized crime,

Recognizing the potential benefits of establishing such networks to the extent possible in regions where they do not exist,

Taking note of the contributions submitted by several regional networks during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, and the participation of representatives of various networks, which demonstrated the importance of coordination among the various institutions involved in the prevention, investigation and prosecution of transnational organized crime,

Taking note also of the fact that, in order to adequately combat serious crime at the global level, international legal cooperation among the members of the various existing networks should be promoted and that, at the present time, increased cooperation between regional networks would seem to be more efficient than the establishment of a judicial cooperation network at the global level,

Taking into consideration the establishment of the centres of excellence on forensic analysis (Costa Rica), drug demand reduction and prison reform (Dominican Republic), urban crime prevention (El Salvador), transnational organized crime (Guatemala) and maritime security (Panama), whose prime objective is to promote interregional cooperation in criminal matters through the exchange of experience and reliable statistics, along with regional capacity-building for experts and officials involved in crime prevention and criminal investigation,

1. *Urges* Member States participating in networks for legal cooperation to strengthen international cooperation in criminal matters and the coordination among such networks;

2. *Recommends* that interaction between regional networks should preserve the fundamental principles, traditions and distinctive features of each regional network and should take into account differences in legal systems and legal cultures;

3. *Encourages* Member States to facilitate the establishment of similar regional networks, to the extent possible, through, inter alia, training and the exchange of best practices in criminal matters, with the assistance of the United Nations Office on Drugs and Crime as necessary;

4. *Recommends* that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime consider inviting existing regional networks to participate in its fifth session, with the aim of improving cooperation between regional networks, the United Nations Office on Drugs and Crime and the States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.[115]

Decision 19/1

Strengthening crime prevention and criminal justice responses to counterfeiting and piracy

At its 10th meeting, on 21 May 2010 the Commission on Crime Prevention and Criminal Justice noted the publication in 2007 of the report of the United Nations Interregional Crime and Justice Research Institute entitled *Counterfeiting: A Global Spread, a Global Threat* and decided to invite the Institute to present the report, with its updates, to the Commission at its twentieth session under the agenda item "World crime trends and emerging issues and responses in the field of crime prevention and criminal justice".

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[115] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

Chapter II

Thematic discussion on protection against illicit trafficking in cultural property

5. At its 3rd and 4th meetings, on 18 May 2010, the Commission considered agenda item 3, entitled "Thematic discussion on protection against illicit trafficking in cultural property". The discussion was guided by the following subthemes:

(a) Applicable law and policies, from the perspective of crime prevention and criminal justice, to combat trafficking in cultural property, including issues of criminalization and implementation of judicial decisions, with emphasis on the links between such trafficking and transnational organized crime;

(b) Preventing trafficking in cultural property, in particular through:

(i) Awareness-raising, capacity-building, technical assistance and interdisciplinary coordination;

(ii) Criminalization in the context of prevention;

(iii) Measures designed to safeguard cultural property, including means for the identification of cultural property and physical protection measures;

(c) Emerging trends (such as use of the Internet, electronic commerce and auctions) and adequate responses;

(d) International, regional and bilateral cooperation, within the mandate of the United Nations Office on Drugs and Crime, in preventing and combating trafficking in cultural property, including through mutual legal assistance, private/public partnerships and mechanisms for the restitution and return of such property, with due regard to the role of technical assistance.

6. For its consideration of item 3, the Commission had before it the following:

(a) Report of the Secretary-General on protection against trafficking in cultural property (E/CN.15/2010/4);

(b) Note by the Secretariat on the recommendations of the expert group on protection against trafficking in cultural property (E/CN.15/2010/5);

(c) Note by the Secretariat on the discussion guide for the thematic discussion on protection against trafficking in cultural property (E/CN.15/2010/6);

(d) Note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice: protection against trafficking in cultural property (E/CN.15/2010/17).

7. With the Chair presiding, the thematic discussion on item 3 was led by the following panellists: Boules Iskandar (Egypt), Jorge Costa Palacios (Ecuador), Francisco Javier Dorantes Díaz (Mexico), Laurence Massy (Belgium) and Giovanni Nistri (Italy), who spoke on subtheme (a); Paolo Giorgio Ferri (Italy), Gregory J. Borgstede (United States of America) and V. V. Petrakov (Russian Federation), who spoke on subtheme (b); Zhan Jianxin (China), who spoke on subthemes (c) and (d); Benno Widmer (Switzerland), who spoke on subtheme (c);

and Adel Fahmy (Egypt), Ali Beizaei (Islamic Republic of Iran) and Michael Peay (United States of America), who spoke on subtheme (d).

8. The Chair made an introductory statement. An introductory statement was also made by the Officer-in-Charge of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC). Statements were made by the representatives of the Sudan, Argentina, the Libyan Arab Jamahiriya, Canada, Algeria, Germany, the United Kingdom of Great Britain and Northern Ireland, Belarus, Austria, Iran (Islamic Republic of), the United States, Belgium, Turkey, Romania, India and Mexico. Statements were also made by the observers for Italy, Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Iraq, France, Lebanon, Switzerland, Bolivia (Plurinational State of), Colombia, Greece, Bulgaria, Venezuela (Bolivarian Republic of), Peru, the Netherlands and Sweden. The observer for Palestine made a statement. In addition, statements were made by the observers for the International Institute for the Unification of Private Law (Unidroit), the International Criminal Police Organization (INTERPOL), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Academic Council on the United Nations System.

A. Deliberations

9. In his introductory remarks, the Officer-in-Charge of the Division for Treaty Affairs noted that trafficking in cultural property was a prominent issue on the agenda of the United Nations. He referred to Economic and Social Council resolutions 2004/34 and 2008/23, entitled "Protection against trafficking in cultural property", in particular to the concern expressed by the Council over the growing involvement of organized criminal groups in all aspects of trafficking in cultural property, and the need for Member States to adopt several measures to promote protection of their cultural heritage. He also referred to the Council's request in those resolutions that UNODC organize an expert group meeting in cooperation with UNESCO. He then referred to the existing international legal framework for the protection of cultural property and the added value that the Organized Crime Convention could bring to that regime.

10. In the first panel discussion, the five panellists and several other speakers addressed the subtheme "Applicable law and policies, from the perspective of crime prevention and criminal justice, to combat trafficking in cultural property, including issues of criminalization and implementation of judicial decisions, with emphasis on the links between such trafficking and transnational organized crime". For a summary of the discussion, see paragraphs 17 to 25 below.

11. In the second panel discussion, the three panellists and several other speakers addressed the subtheme "Preventing trafficking in cultural property, in particular through: (i) awareness-raising, capacity-building, technical assistance and interdisciplinary coordination; (ii) criminalization in the context of prevention; and (iii) measures designed to safeguard cultural property, including means for the identification of cultural property and physical protection measures". For a summary of the discussion, see paragraphs 26 to 35 below.

12. In the third panel discussion, the two panellists and several other speakers addressed the subtheme "Emerging trends (such as use of the Internet, electronic commerce and auctions) and adequate responses". For a summary of the discussion, see paragraphs 36 to 39 below.

13. In the fourth panel discussion, the four panellists and several other speakers addressed the subtheme "International, regional and bilateral cooperation, within the mandate of the United Nations Office on Drugs and Crime, in preventing and combating trafficking in cultural property, including through mutual legal assistance, private/public partnerships and mechanisms for the restitution and return of such property, with due regard to the role of technical assistance". For a summary of the discussion, see paragraphs 40 to 42 below.

Summary by the Chair

14. At the end of the thematic discussion, the Chair summarized the salient points as follows:

General comments

15. The protection of cultural property was essential to the heritage of humanity and the right to culture recognized by several countries as a fundamental right. Despite this, it was felt that not enough had been done to ensure the adequate protection of cultural property.

16. The Commission should consider adopting in their entirety the recommendations made by the expert group on protection against trafficking in cultural property at its meeting held in Vienna from 24 to 26 November 2009 (E/CN.15/2010/5) and the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (A/CONF.213/18, chap. I, resolution 1), both of which included specific guidance on the protection of cultural property.

(a) Applicable law and policies, from the perspective of crime prevention and criminal justice, to combat trafficking in cultural property, including issues of criminalization and implementation of judicial decisions, with emphasis on the links between such trafficking and transnational organized crime

17. There was a need to reinforce the criminal justice response to the growing problem of trafficking in cultural property. Harmonization of national laws, criminalization of trafficking in cultural property as a specific offence and appropriate sanctions reflecting the severity of the crime were some of the most salient aspects to consider. Similarly, national laws should ensure regulation of the market, in particular of auction houses and Internet-based platforms. It was noted that several States had not criminalized both forms of transfer (import and export).

18. States had not fully implemented the existing international legal framework for the protection of cultural property, and additional measures were felt to be needed to reinforce the criminal prevention aspects of the protection of cultural property.

19. There was a need to ensure the return of trafficked cultural assets to their legitimate owners, in compliance with the relevant international legal instruments. Difficulties and challenges had been encountered with regard to the recovery and

return of stolen items. Better international cooperation mechanisms and adequate tools were required in order to facilitate and accelerate the procedures for the restitution of stolen cultural property.

20. Transnational organized criminal groups were increasingly involved in trafficking in cultural property, and it was recognized that the art market was substantially transnational in nature. High profits had made trafficking in cultural property a prominent emerging crime in recent times, stimulating the demand for such objects and encouraging the commission of crime. Trafficking in cultural property was linked to other forms of crime, such as organized crime, corruption, money-laundering and tax evasion, which were offences that could be addressed in the framework of existing crime treaties, such as the Organized Crime Convention[116] and the Convention against Corruption.[117]

21. The Organized Crime Convention was a useful tool for international cooperation, establishing measures such as the use of special investigative techniques and the establishment of joint investigation units. The definition of a structured group and of the offence of participation in a criminal group further helped States to tackle this emerging crime. States already using the Organized Crime Convention for the protection of cultural property had stressed the usefulness and added value of that instrument.

22. A possible new protocol to the Organized Crime Convention was considered as a possible option to help States deal in a more specific way with trafficking in cultural property. Such a protocol would consider trafficking in cultural property a serious offence and develop, inter alia, provisions on criminalization, cooperation and recovery of property in cases where no inventory had been established. The proposal, however, was not entirely supported by all speakers, several of whom considered that a protocol was not the appropriate way to deal with the problem. They were of the view that regulatory aspects related to the protection of cultural property, such as databases, licensing of dealers, due diligence and awareness-raising, should not be part of a criminal law instrument. Instead, the Commission should, before considering new instruments, seek ways to enhance the implementation of existing instruments and make their implementation more effective.

23. Many speakers felt the need for specific guidelines for the implementation of criminal provisions related to the protection of cultural property and, as appropriate, the criterion of due diligence. Additional guidance could be provided to States through the development of a model law for the implementation of relevant criminal provisions, including relevant provisions of the Organized Crime Convention and the Convention against Corruption.

24. The role of UNODC in assisting States in the protection of cultural property was discussed. Some States considered that the role of UNODC was limited to providing assistance and advice to other United Nations agencies in crime prevention and criminal justice aspects, whereas UNESCO had the leading role in the overall protection of cultural property.

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[116] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[117] Ibid., vol. 2349, No. 42146.

25. Several speakers felt that the concept of "good faith" required further clarification and application. Some speakers noted that it was less relevant to criminal codes, where the burden of proof should not be reversed; it may, however, be appropriate in the context of civil law compensation to good-faith holders. The Unidroit Convention on Stolen or Illegally Exported Cultural Objects could be a useful basis in that respect.

(b) Preventing trafficking in cultural property, in particular through: (i) awareness-raising, capacity-building, technical assistance and interdisciplinary coordination; (ii) criminalization in the context of prevention; and (iii) measures designed to safeguard cultural property, including means for the identification of cultural property and physical protection measures

26. Preventive measures were needed in order to protect cultural property in various areas. Awareness-raising, capacity-building and technical assistance should be provided not only to judges and other decision-making officials, but to the general public as well. That would help at the same time to foster the concept of due diligence. States already providing technical assistance and advice to other States should continue to do so.

27. Criminalization could also have a preventive nature, given the dissuasive effect it can have on trafficking in cultural property. To this end, it was important that offences reflected the serious nature of the crime and that dissuasive sanctions were established.

28. The establishment of a multidisciplinary national committee in each State, comprising relevant institutions, field experts and a focal point to liaise with other States, was considered another meaningful and effective way to protect cultural property and prevent its trafficking. Such bodies had yielded good results in several countries and helped to achieve greater inter-institutional coordination.

29. Enhanced exchange of information, including spontaneous information, was considered one of the most relevant measures. Exchange of real-time information and the practice of engaging in informal consultations before submitting a formal request for assistance or information had also proved effective. Establishing a framework of bilateral agreements facilitated such exchanges and strengthened cooperation for purposes of prevention.

30. The admission of evidence gathered by other States was recognized as an important factor in facilitating the investigation of transnational offences and promoting international cooperation.

31. Other preventive measures included the provision of training and capacity-building for police and other institutions involved and for the public at large, as well as the establishment of national inventories, lists of cultural objects and, if possible, a photographic archive of such objects and the establishment of a national database, with the possibility of linking national databases to each other and to international databases, in particular the INTERPOL database.

32. Ways to foster preventive cooperation needed to be further developed and disseminated among States, including the monitoring of auction markets and the dissemination of information through publicly accessible websites. The use of

modern technology for the monitoring and protection of archaeological sites, such as metal detectors and space technology, was considered.

33. Preventive measures should in any case target countries of origin, transit and destination and be tailored to their specific conditions.

34. The use of codes of conduct for professionals, such as the ones developed by UNESCO and the International Council of Museums was an important preventive measure.

35. Measures targeting supply and demand, using economic incentives, should be further developed.

(c) *Emerging trends (such as use of the Internet, electronic commerce and auctions) and adequate responses*

36. The growing market in and prices for stolen art objects and the exploitation of information technology (in particular, the Internet) for the trade of stolen property had led to an increase in demand for and supply of those items, which encouraged the commission of crime. Investigation of illicit sales on the Internet was challenging owing to the volatility of the information, which can quickly disappear, such as phone numbers that may no longer be active.

37. Looting needed to be addressed separately in order to take into account the lack of inventories. The exchange of information required creative solutions.

38. Regulatory measures, such as requiring traders to meet certain qualifications, reviewing those qualifications annually and disqualifying businesses not meeting them and monitoring stores involved in selling art, including certifying objects for sale at auctions, could be possible responses. The negligence of companies with regard to their obligation to exercise due diligence could best be enforced through appropriate penal provisions when actors do not fulfil their obligations.

39. Illicit sales through the Internet could be addressed in a possible future international instrument on cybercrime.

(d) *International, regional and bilateral cooperation, within the mandate of the United Nations Office on Drugs and Crime, in preventing and combating trafficking in cultural property, including through mutual legal assistance, private/public partnerships and mechanisms for the restitution and return of such property, with due regard to the role of technical assistance*

40. Challenges with regard to international cooperation in criminal matters needed to be addressed and solved. Those challenges included the lack of clarity about the competent central authority, the absence of a photographic archive of the stolen property in some countries, the lack of proper coordination at the national level, the lack of harmonized laws and procedures and the lack of political will to assist a requesting State. Adherence to international treaties formed the basis for such cooperation. However, those instruments sometimes needed to be translated into national law or to be reflected in bilateral agreements.

41. The use of bilateral cooperation agreements as a complement to international agreements had proved quite useful for some Member States. The usefulness of the Organized Crime Convention in promoting cooperation with third countries in other

regions was stressed. Several States indicated their readiness to use the Organized Crime Convention as the legal basis for international cooperation in the protection of cultural property.

42. INTERPOL could facilitate cooperation between police forces, in particular through its digital database of stolen property and communication systems. The work of UNESCO in awareness-raising and training was helping to create a cadre of trained professionals. UNODC should cooperate and coordinate action with other organizations, in particular UNESCO and INTERPOL, and join in these activities where appropriate.

B. Workshop on protection against trafficking in cultural property

43. A workshop on the theme "Protection against trafficking in cultural property" was organized by the institutes of the United Nations crime prevention and criminal justice programme network. The workshop was chaired by the First Vice-Chair of the Commission and moderated by the Scientific Coordinator of the International Scientific and Professional Advisory Council.

44. Reference was made to the panel discussion on trafficking in antiquities, which had been held at the 2008 meeting of the International Scientific and Professional Advisory Council in Courmayeur, Italy, and the related papers published by that institute of the programme network. The presenters summarized the various legal frameworks that criminalize trafficking in cultural property, while articulating the difficulty of determining the licit provenance of specific articles. Themes that permeated all presentations were the transnational nature of this crime, that it was on the rise and that, increasingly, organized criminal groups were involved. Consequently, cooperation and coordination among States were imperative in order to successfully address this issue.

45. A representative of the Secretariat gave a presentation on the relevance of the Organized Crime Convention in the fight against trafficking in cultural property. It was noted that the Organized Crime Convention, as well as the Protocols thereto, was applicable to this crime, since it contained a definition of organized crime. Furthermore, the Convention's provisions on international cooperation, including international legal cooperation, were key to the investigation and prosecution of crimes related to trafficking in cultural property.

46. The observer for UNESCO showed a video on UNESCO activities in the fight against trafficking in cultural heritage, which outlined the impact of trafficking in cultural property and the activities of some partnerships in such cases. Among the main measures contained in the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,[118] the presentation highlighted the major efforts for creating inventories, education and certification and the call for each country to set up a specialized unit trained in this type of trafficking. Reference was also made to codes of conduct for art dealers and self-monitoring, on the basis of ethics, and it was noted that traffickers were well informed about ways to circumvent laws restricting their activities.

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[118] Ibid., vol. 823, No. 11806.

47. The speaker from the University of Glasgow, United Kingdom, discussed his research in trafficking in cultural property in a presentation entitled “Crime prevention perspectives on trafficking in cultural property and the intergovernmental expert working group recommendations”. The research resulted in a series of thematic recommendations regarding, inter alia, international instruments, prevention, criminalization, cooperation, awareness-raising, capacity-building and technical assistance, and use of new technologies. Three specific recommendations were discussed in detail, emphasizing that (a) prevention efforts should include increased regulation and supervision of dealers in cultural property by keeping a registry of all transactions; (b) Governments should criminalize the illicit import, export or transfer of cultural property; and (c) cultural property should be seized by the authorities if licit provenance could not be established.

48. The observer for the Department for the Protection of Cultural Heritage of Italy referred to the role of the carabinieri in combating trafficking in cultural property and provided an overview of the Italian experience in countering such trafficking. The criminal groups involved, although bearing some resemblance to Mafia-type structures, were different, thus changing the focus for law enforcement. Among the operations that had resulted in indictments, Operazione Metallica had led to the indictment of 53 persons for money-laundering; the Organized Crime Convention had thus been used for the first time in dismantling a major organized criminal group.

49. The observer for the Basel Institute on Governance made a presentation on the need for industry standards in the art market. The speaker drew attention to the need to further develop industry standards and noted that existing international codes of ethics did not provide for the redress or control of violations of the codes. He also noted that there was mixed interest among art dealers with regard to working on industry standards. Three goals were emphasized: (a) cooperative use of databases, (b) development of industry standards and (c) development of a pool of experts to resolve conflicts.

50. Another observer for the Basel Institute on Governance spoke about the recovery of stolen assets and money-laundering measures in the context of cultural property, discussing the step-by-step process involved in recovering assets. The speaker presented an overview of how to initiate cases, how and where to find assets, how to trace and freeze them, the steps required of the requesting and requested States and how to determine the return of proceeds. The principal challenges to overcome were the lack of communication at all stages and the securing and managing of cultural property during the process.

51. Following the presentations, there was an open discussion. The observer for Italy reported on the successful use of the Organized Crime Convention in tackling trafficking in cultural property. The observer for Sweden reported that, in Sweden, an electronic system had been developed to track archaeological sites and monuments, and awareness-raising and education for target audiences had been implemented.

52. The observer for Greece discussed his country’s prevention efforts, including through education. He noted the importance of addressing the practices of auction houses, since the Government was not always informed about the items sold by auction houses and their provenance. The representative of Turkey commented on

the need for letters of agreement among neighbouring countries in order to curtail trafficking in cultural property, and the observer for Greece noted that the Prime Ministers of the two countries had recently signed a memorandum of understanding on this issue.

53. The observers for the International Scientific and Professional Advisory Council and for the University of Naples II of Italy noted that there was a need for a common definition of crimes relating to trafficking in cultural property, in addition to the information provided by UNESCO, and that the level of sanctions should be discussed.

54. Other topics discussed included burden of proof, cultural property during times of war, privately owned artefacts, the oversight of dealers, harm-reduction criteria and lack of awareness.

C. Action taken by the Commission

55. At its 10th meeting, on 21 May, the Commission approved for adoption by the Economic and Social Council a draft resolution (E/CN.15/2010/L.10), as orally amended, sponsored by Algeria (on behalf of the States Members of the United Nations that are members of the Group of 77 and China, except Chile) and Costa Rica (on behalf of the Group of Latin American and Caribbean States, except Chile). (For the text, see chap. I, sect. B, draft resolution I.) Prior to the approval of the amended draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex I.) Statements were also made by the representatives of Cuba, Iran (Islamic Republic of), Japan and Chile. The representative of Cuba expressed reservations regarding operative paragraph 19 of the draft resolution, as her Government considered that, before acceding to extrabudgetary resources, the utilization of the funds available in the United Nations contingency fund should be explored. The representative of the Islamic Republic of Iran stated that his Government associated itself with that statement. The representative of Japan stated that his Government found the language in operative paragraph 19 to be in accordance with budgetary procedures. The representative of Chile stated that, while it was not her Government's intention to block the consensus, in view of the stated situation Chile had to disassociate itself from the list of co-sponsors.

Chapter III

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

56. At its 1st, 2nd and 5th meetings, on 17 and 19 May 2010, the Commission considered agenda item 4, which read as follows:

> "Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
>
> "(a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;
>
> "(b) Ratification and implementation of the United Nations Convention against Corruption;
>
> "(c) Ratification and implementation of the international instruments to prevent and combat terrorism;
>
> "(d) Other crime prevention and criminal justice matters;
>
> "(e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies."

57. For its consideration of agenda item 4, the Commission had before it the following:

(a) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2010/3-E/CN.15/2010/3);

(b) Report of the Executive Director on international cooperation in combating transnational organized crime and corruption (E/CN.15/2010/8);

(c) Report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism (E/CN.15/2010/9);

(d) Report of the Secretary-General on the activities of the institutes of the United Nations crime prevention and criminal justice programme network (E/CN.15/2010/10);

(e) Report of the Board of Trustees on major activities of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2010/15);

(f) Report on observations and conclusions of the session on the use of forensic sciences to combat and prevent identity-related crime held during the fourth meeting of the Core Group of Experts on Identity-Related Crime (E/CN.15/2010/CRP.2);

(g) Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: fourth meeting of the Core Group of Experts on Identity-Related Crime (E/CN.15/2010/CRP.3).

58. Introductory statements were made by the Officer-in-Charge of the Division for Treaty Affairs of UNODC and Chief of the Organized Crime and Illicit Trafficking Branch, by the Officer-in-Charge of the Corruption and Economic Crime Branch and by the Chief of the Terrorism Prevention Branch. Statements were also made by the observer for Spain (on behalf of the Presidency of the European Union and of Albania, Armenia, Bosnia and Herzegovina, Croatia, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine) and by the representatives of Ukraine, Belarus, Austria, Nigeria, Canada, Pakistan, the United Kingdom, Algeria, the Russian Federation, Iran (Islamic Republic of), Argentina, China, India, Saudi Arabia, the United States, Mexico, Japan, Thailand, Turkey, the Republic of Korea and Cuba. The observers for Kazakhstan, Norway, Italy, Croatia, Colombia, Côte d'Ivoire, Australia, Sri Lanka, Venezuela (Bolivarian Republic of), Indonesia and Iraq also made statements. The observer for Palestine made a statement. Statements were also made by the observers for the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the League of Arab States and the Sovereign Military Order of Malta.

A. Deliberations

1. Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime

59. Several speakers drew attention to the fact that transnational organized crime undermined development, political stability and legitimate economic activity. In particular, one speaker stressed that organized crime and political instability were two closely interlinked phenomena. Another speaker underlined the negative impact of organized crime on efforts to reduce poverty and on social and criminal justice systems. Speakers expressed deep concern regarding the scale and increasing complexity of transnational criminal activity, as well as its multiple forms and sophisticated methods. They noted the growing convergence of criminal networks and the connections between different criminal activities, such as drug trafficking, trafficking in persons and the financing of terrorism.

60. Several speakers stressed the importance of the Organized Crime Convention and its Protocols and noted that those instruments provided an adequate international framework for fighting organized crime. They underlined that the Convention contained international standards accepted by most States and they recognized the need to raise awareness among national authorities about the possibilities offered by the Convention. Several speakers noted with satisfaction the progress made in terms of adherence to the Convention and its Protocols such that a

nearly universal framework of international cooperation currently existed to address a broad range of serious crimes. States were encouraged to continue promoting those instruments and to ensure that they were fully and effectively implemented. Several speakers acknowledged the role of UNODC as a key partner in that endeavour and encouraged Member States to continue supporting the Office's work in that area.

61. Several speakers recalled the upcoming high-level meeting of the General Assembly on transnational organized crime and the special treaty event that would be held in conjunction with it. States were strongly encouraged to be represented at the highest possible level at that event and to consider submitting their instruments of ratification on that occasion if they had not yet done so. Speakers made reference to the planned high-level segment of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna from 18 to 22 October 2010, and noted that the high-level segment would provide an opportunity to draw attention to and discuss new and emerging forms of crime.

62. Acknowledging the tenth anniversary of the adoption of the Organized Crime Convention, speakers stressed that this milestone provided a timely opportunity to assess progress towards full implementation of the Convention and develop better responses to transnational organized crime. Many speakers reiterated their hope that the outcomes of the fifth session of the Conference of the Parties would create new momentum for the implementation of the Convention and its supplementing Protocols.

63. Several speakers stressed that effective implementation of the Organized Crime Convention and the Protocols thereto required the adoption of a strong and effective review mechanism. Reference was made to several possible operational modalities for such a mechanism, as well as the necessity for it to be transparent and inclusive. One speaker underlined that the Convention and its Protocols constituted a complex normative framework and that attention should focus on information collection rather than review of implementation.

64. Some speakers referred to ongoing work to finalize a comprehensive self-assessment software programme that would allow States to assess and report on their efforts to implement the Convention and the Protocols thereto. It was stated that self-assessment alone was not sufficient and that information from non-governmental sources would be essential to have a complete picture of transnational organized crime. In addition, the mechanism should strive to avoid any duplication of effort and should take into account practices and experiences of existing mechanisms at the regional and international levels.

65. Some speakers referred to the voluntary pilot programme that had been developed within the framework of the recommendations of the Open-ended Meeting of Experts on Possible Mechanisms to Review Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto held in Vienna on 25 and 26 January 2010. That programme would be useful in assisting the Conference of the Parties in taking an informed decision on a possible review mechanism. Many speakers reaffirmed the need to enhance bilateral, regional and international cooperation in the areas of mutual legal assistance, extradition and exchange of information. The ability of criminals to plan

and commit crimes across borders meant that such cooperation should have a global reach. The role of UNODC as the main international body responsible for coordinating multilateral efforts against transnational organized crime was highlighted. One speaker encouraged States to pursue informal cooperation, policy dialogue and intelligence-sharing and urged them to consider ways in which political, legal and other impediments to sharing information could be removed.

66. Many speakers drew attention to the extensive use made of highly sophisticated technological means in transnational organized crime, which had led to the emergence of new forms of crime such as cybercrime. In particular, speakers expressed concern at the growing phenomenon of cybercrime and the need to adopt measures to address it. In this connection, several speakers called upon States to implement the recommendations of the Salvador Declaration relating to cybercrime. Several speakers invited the Commission to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study on cybercrime and responses to it.

67. Some speakers expressed the view that the feasibility of developing a global convention against cybercrime should be explored. One speaker referred to specificities of some legal systems that prevented certain States from adhering to the Council of Europe Convention on Cybercrime.[119] Another speaker, however, commented that States should first consider adopting all necessary national measures before engaging in the negotiation of a new international convention.

68. Many speakers highlighted their particular concern about trafficking in cultural property and welcomed the holding of the meeting of the expert group on protection against trafficking in cultural property in Vienna from 24 to 26 November 2009, as well as the thematic debate to be held by the Commission under item 5 of the agenda. Several speakers expressed concern at the scope of trafficking in firearms. They highlighted the links between trafficking in firearms and drug trafficking and welcomed efforts towards the development of a model law against the illicit manufacturing of and trafficking in firearms.

69. Several speakers expressed concern regarding trafficking in persons and the related issues of sexual exploitation, trafficking in human organs, forced labour, child abuse and pornography. Trafficking in persons was considered a heinous manifestation of transnational criminality and required a coordinated, holistic approach that took into account all possible factors leading to that phenomenon. In this connection, it was noted that demand needed to be successfully suppressed and controlled. Speakers emphasized that violence against children and women was particularly unacceptable and that severe measures were required to combat it.

70. Several speakers called upon States to adopt appropriate legislation and enhance judicial and law enforcement cooperation to address those crimes. States were invited to implement the recommendations adopted by the Working Group on Trafficking in Persons at its first and second sessions, held on 14 and 15 April 2009 and from 27 to 29 January 2010. It was noted that the United Nations global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking could constitute a useful road map to help harmonize implementation of all relevant international legal instruments seeking to

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[119] Council of Europe, *European Treaty Series*, No. 185.

combat trafficking in persons. Several speakers made reference to the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), noting that it assisted in formulating national goals and increasing synergy among national partners and international organizations. Several speakers expressed support for the Blue Heart Campaign, which had increased public awareness worldwide of the issue of trafficking in persons.

71. States were invited to continue adopting preventive and dissuasive measures against the smuggling of migrants. It was underscored that such measures should respect the dignity of migrants and should be taken in accordance with human rights standards. The response to trafficking in persons and the smuggling of migrants should continue to be improved and States should focus their efforts on effectively implementing existing standards for addressing those crimes. It was underlined that strong measures had to be taken to target people who organized, financed and provided material support for the smuggling of migrants. Some speakers made reference to biometric passports as a way of fighting trafficking in persons and the smuggling of migrants.

72. Some of the many constraints faced by developing countries, including budgetary constraints and weak inter-institutional coordination, were underscored. In this connection, several speakers highlighted the importance of capacity-building and technical assistance in helping States to deal with such challenges, improve infrastructure and achieve sustainable results in the prevention, prosecution and punishment of crime. States were urged to consider providing assistance, including through general-purpose funds or through soft-earmarked contributions to UNODC, in order to enable the Office to provide the necessary technical assistance.

73. Several speakers provided information on measures taken at the national and regional levels to fight organized crime and promote the rule of law, including legislative developments in such areas as trafficking in persons, smuggling of migrants, cybercrime and other offences involving the misuse of information technology, and on enhanced provisions for the investigation and prosecution of such offences. In view of the close connection between money-laundering and most forms of transnational crime, one speaker advocated the development of an international convention on money-laundering, as set out in recommendation 174 of the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1).

74. One speaker noted that the Central Asian Regional Information and Coordination Centre, which had opened in 2009, was fully functional and facilitating information exchange and analysis in support of law enforcement responses in that region.

2. Ratification and implementation of the United Nations Convention against Corruption

Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption

75. Speakers welcomed the outcome of the third session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha from 9 to 13 November 2009, including the adoption of the review mechanism,

continued work on asset recovery and technical assistance, and the decision to establish a working group on preventive measures. Several speakers noted with satisfaction the inauguration of the International Anti-Corruption Academy, a joint initiative of UNODC, the Government of Austria and the European Anti-Fraud Office, and looked forward to the contribution the Academy would make in terms, inter alia, of the provision of training and research to States.

76. Speakers also welcomed the increase in the number of States parties to the Convention against Corruption and called upon States that had not yet done so to ratify or accede to the Convention and implement its provisions. The annual treaty event to be held during the session of the General Assembly in September 2010 would provide an opportunity for States to deposit their instruments of ratification or accession. Speakers hailed the establishment of the mechanism to review implementation of the Convention as a crucial step forward in achieving full implementation. It was important to provide strong support to the work of the mechanism and the Implementation Review Group. Speakers took note of the allocation of resources from the regular budget of the United Nations for the operation of the mechanism and called for further efforts in that direction. The work of the Conference and its working groups was reaffirmed and speakers welcomed the importance accorded to preventive measures, inter alia, through the establishment of an open-ended intergovernmental working group.

77. Several speakers reported on their Governments' efforts to implement the Convention against Corruption. Several States had adopted or amended legislation to bring national legal frameworks in line with the Convention, including reforming criminal codes and codes of criminal procedure. Specific mention was made of new provisions allowing the tracing, freezing and seizure of the proceeds of crime with a view to strengthening international cooperation and asset recovery. An important step forward was the promotion of assistance for non-coercive measures in the absence of dual criminality. Several speakers stressed that the Convention against Corruption provided a strong framework for international cooperation and that increased and effective use of its provisions should be encouraged. They noted the adoption of national action plans or strategies to prevent and combat corruption in a comprehensive manner and provide clear objectives for stakeholders. The involvement of civil society organizations was viewed as a crucial component of efforts to combat corruption.

78. Several speakers reported on the creation of anti-corruption bodies in their countries and the need to build the capacity of such bodies and strengthen their role. The creation of specialized courts dealing with corruption cases was seen as a way to improve timely and effective prosecution of such cases. Speakers noted measures taken with regard to public officials, including the adoption of codes of conduct and asset declarations, as well as the establishment of oversight mechanisms and bodies for public administration and the introduction of e-government. One speaker reported that the investigation and prosecution of politically exposed persons were on the rise in his country thanks to synergy and coordination between the relevant agencies. Speakers noted the importance of technical assistance and support from UNODC in national efforts to combat corruption.

79. In response to a request for clarification, the Secretariat indicated that the anti-corruption research projects referred to in the report of the Executive Director on international cooperation in combating transnational organized crime and

corruption (E/CN.15/2010/8) were without prejudice to the work of the Conference of the States Parties to the United Nations Convention against Corruption under the review mechanism. Such projects formed part of the technical assistance programme of UNODC and were undertaken only upon request of the States concerned.

3. Ratification and implementation of the international instruments to prevent and combat terrorism

80. In her introductory statement, the Chief of the Terrorism Prevention Branch referred to the counter-terrorism technical assistance work of UNODC. While significant progress had been made, much work remained to be done in order to reach universal ratification and full implementation of the international legal instruments relating to terrorism. In response to requests from Member States, tailored assistance to build capacity in the area of the rule of law was provided to criminal justice practitioners to support them in the investigation, prosecution and adjudication of terrorist cases. Special attention was given to strengthening international cooperation in criminal matters.

81. Many speakers emphasized that terrorism was a global phenomenon requiring a multilateral response and that preventing and countering terrorism should remain among the top priorities on the agenda of the international community. An effective response needed to include national, regional and international strategies applied in an integrated and sustainable manner and on the basis of the principle of shared responsibility. Several speakers made reference to the United Nations Global Counter-Terrorism Strategy.

82. Many speakers underlined the importance of upholding the rule of law, respecting human rights and complying with international obligations and standards in countering terrorism. It was noted that counter-terrorism measures must also comply with the Charter of the United Nations and with Member States' obligations under international humanitarian law and refugee law. Several speakers stated that terrorism should not be associated with any particular nationality, civilization, religion or ethnic group.

83. The need to complete work on the draft comprehensive convention on international terrorism, including an agreed definition of terrorism, was highlighted by some speakers. Reference was made to the need to distinguish between acts of terrorism and acts undertaken in the course of the legitimate struggle for self-determination as recognized under international humanitarian law.

84. Several speakers underlined the importance of adopting comprehensive national strategies and action plans in line with the United Nations Global Counter-Terrorism Strategy. A number of speakers stressed the need to address conditions conducive to the spread of terrorism, including unresolved conflicts. One speaker felt that efforts to prevent terrorism should emphasize the voice of victims, as that could help to delegitimize terrorism and mobilize civil society against it.

85. The importance of a criminal justice response based on the international conventions and protocols to counter terrorism was emphasized. Acknowledging the need for universal adherence to and full implementation of those instruments, many speakers urged Member States that had not already done so to urgently become parties to the relevant international legal instruments. Several speakers stressed that long-term efforts were required for the effective application of those instruments

and that States lacking the required capacity needed to be provided with technical assistance.

86. Many speakers emphasized that international and regional cooperation in criminal matters, especially extradition and mutual legal assistance, were crucial to any effort to prevent and combat terrorism. Some speakers made reference to the need to develop regional and subregional mechanisms to foster cooperation in criminal matters in the area of counter-terrorism.

87. Several speakers noted the links between terrorism and other forms of crime, including organized crime, money-laundering, drug trafficking, arms trafficking, trafficking in persons, cybercrime and corruption, and the need for integrated responses. The importance of depriving terrorists of their sources of financing was stressed and Member States were called upon to strengthen coordination between their financial intelligence units and enhance the exchange of financial intelligence and information. One speaker highlighted the need to address phenomena such as hostage-taking for the payment of a ransom to finance terrorist acts.

88. Some speakers called upon States to take greater action to counter the use of the Internet as a tool to spread racial hatred, extremism and terrorism and noted the need for technical assistance in that regard. One speaker made reference to Internet-based attacks against critical infrastructure and called for the negotiation of an international convention against cybercrime. Mention was made of the need to address the use of high-resolution satellite maps by terrorists and possible cooperation with the Committee on the Peaceful Uses of Outer Space in this regard.

89. Several speakers described action at the national and regional levels to counter terrorism, including steps taken by their Governments to ratify and implement the existing international and regional instruments relating to terrorism. They referred to legislative measures, including the criminalization of offences, and other measures to enhance capacity to prevent and prosecute terrorist acts and to counter the financing of terrorism, including provisions for the seizure and confiscation of funds. Other measures included the creation of specialized counter-terrorism bodies, inter-agency coordination mechanisms and capacity-building in police and intelligence agencies to enable effective responses to the threat of international terrorism, as well as national deradicalization and rehabilitation programmes.

90. Several speakers stressed the need for continued and sustained technical assistance and expressed appreciation for the technical assistance tools prepared by UNODC in various languages and tailored to the needs of different countries and legal systems. Specific reference was made to the online database, the online training courses and the *Digest of Terrorist Cases*, which had been successfully launched during the Twelfth Congress.

91. The need for UNODC to provide specialized capacity-building assistance to criminal justice officials in specific thematic areas was highlighted. Explicit reference was made to the challenges posed by nuclear, chemical, biological and radiological terrorism and by the use of the Internet for terrorist purposes, for which specialized technical assistance was needed. Technical assistance was also needed to counter the financing of terrorism, including through the exchange of financial information, monitoring of financial transactions and freezing of funds. A few speakers welcomed the efforts of UNODC in providing assistance to victims of terrorism during criminal justice procedures.

92. Support was expressed by several speakers for the cross-cutting and integrated approach that UNODC was pursuing in the delivery of counter-terrorism technical assistance. One speaker noted that the Office's thematic programme on terrorism prevention could provide valuable strategic direction in this regard. The expertise of UNODC in several aspects of crime and drug prevention and its operational capacity were considered significant comparative advantages for delivering technical assistance in counter-terrorism.

93. With regard to the outreach undertaken by UNODC and the operational partnerships established with many other international and regional entities and organizations, some speakers referred to the close collaboration with the Counter-Terrorism Committee and its Executive Directorate and other Security Council bodies dealing with counter-terrorism issues. One speaker called upon the bodies of the Security Council dealing with counter-terrorism, the Office of the Counter-Terrorism Implementation Task Force and relevant international, regional and subregional organizations to enhance their cooperation with UNODC on counter-terrorism issues.

94. Some speakers recalled the financial and other contributions of their Governments in support of the work of UNODC and called upon the international community and donors to provide adequate financial resources for the Office's counter-terrorism work. Several speakers noted that UNODC required increased core capacity and specialized expertise, including for its counter-terrorism work, and that that, in turn, required increased, predictable and sustainable resources, including allocations from the regular budget of the United Nations.

4. Other crime prevention and criminal justice matters

95. One speaker noted that the annotations to the agenda contained no documentation under this sub-item and stated that UNODC did a considerable amount of work that was neither treaty-based nor necessarily related to a specific norm or standard. The speaker noted that a proposal would be put forward under item 9 of the agenda in order to facilitate Member States' preparation for the twentieth session of the Commission.

96. One speaker noted that organized criminal groups were exploring new areas of illicit activity, such as cybercrime and resource crimes, including illegal logging and fishing. International cooperation was pivotal in addressing the issue of cybercrime and required an effective international framework. States that had not yet done so were encouraged to consider acceding to the Council of Europe Convention on Cybercrime, which was currently the only international instrument addressing the international aspects of cybercrime.

97. The speaker also referred to the increasing involvement of organized criminal groups in environmental crimes, in particular resource crimes involving the lucrative exploitation of natural resources, especially fish, forests and wildlife, as well as the illegal movement of prohibited chemicals and hazardous substances. This threat posed special challenges and had been identified as a significant source of proceeds of crime. Combating this type of crime required international cooperation; and efforts to counter money-laundering and asset recovery systems were highly effective in countering and preventing this type of crime. It was noted

that the criminal justice expertise of the Commission could contribute solutions to address this emerging issue.

5. Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies

98. Referring to the institutes of the United Nations crime prevention and criminal justice programme network, one speaker recognized the importance of the institutes' criminal justice research in improving the understanding of global crime trends and encouraged them to continue their research programmes, training courses and technical assistance. The importance of coordinating their activities with those of the United Nations Interregional Crime and Justice Research Institute and UNODC was acknowledged.

99. One speaker congratulated UNODC and the programme network for the organization of the workshop on protection against trafficking in cultural property in conjunction with the session of the Commission, as that demonstrated that the programme network was an important resource that should be supported and could be of benefit to all. The speaker cited a number of valuable initiatives, including handbooks and workshops, that had been undertaken by the institutes over the past year.

B. Action taken by the Commission

100. At its 10th meeting, on 21 May, the Commission adopted a revised draft resolution (E/CN.15/2010/L.5/Rev.1) sponsored by Armenia, Belarus, Canada, India, Kazakhstan, Norway, the Russian Federation, Ukraine and the United States. (For the text, see chap. I, sect. D, resolution 19/1.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex II.) The representative of Cuba expressed reservations regarding the proposed method for financing the implementation of the revised draft resolution, as in her Government's view it violated established budgetary procedures. The representative of Japan stated that, in the view of his Government, the proposed arrangements did not contravene established budgetary procedures. The representative of the Bolivarian Republic of Venezuela made a statement in explanation of position underlining that for his Government the management of public order and security, which included a monopoly on the use of force, was the exclusive prerogative of the State and that the possibility of transferring competences to the private sector in relation to the formulation and implementation of security-related policies implied a weakening of the capacity of the State in this area; it was on this understanding that the Bolivarian Republic of Venezuela joined the consensus. The representative of El Salvador stated that her Government associated itself with the statement of the representative of the Bolivarian Republic of Venezuela. The representative of the Libyan Arab Jamahiriya expressed support for the statement made by the representative of the Bolivarian Republic of Venezuela and, referring to partnership with the private sector in penal matters, stated that penal law was part of the sovereign prerogative of States and expressed reservations on the revised draft resolution in this regard. The

representative of Cuba stated that it was her Government's understanding that such cooperation was conducted as stated in operative paragraph 1 of the revised draft resolution, namely in accordance with national priorities and legislation and on a voluntary basis, and noted that not all Member States needed the involvement of the private sector.

101. At the same meeting, the Commission adopted a draft resolution (E/CN.15/2010/L.7) sponsored by Chile, El Salvador, Guatemala, Hungary, Italy, Japan, Peru, Qatar, the Republic of Korea and Romania. (For the text, see chap. I, sect. D, resolution 19/3.)

102. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2010/L.13/Rev.1) sponsored by Australia, Belgium, Ghana, Guatemala, Switzerland, the United Kingdom and the United States. (For the text, see chap. I, sect. D, resolution 19/5.)

103. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2010/L.15/Rev.1) sponsored by Australia, Canada, the Philippines, Spain (on behalf of the States Members of the United Nations that are members of the European Union), the Russian Federation, Turkey and the United States. (For the text, see chap. I, sect. D, resolution 19/6.)

104. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2010/L.17/Rev.1) sponsored by Costa Rica (on behalf of the Group of Latin American and Caribbean States) and the United States. (For the text, see chap. I, sect. D, resolution 19/7.)

Chapter IV

World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

105. At its 6th and 7th meetings, on 19 and 20 May 2010, the Commission considered agenda item 5, entitled "World crime trends and emerging issues and responses in the field of crime prevention and criminal justice".

106. For its consideration of item 5, the Commission had before it the following:

(a) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2010/3-E/CN.15/2010/3);

(b) Report of the Executive Director on the activities of the expert group on improving the collection, reporting and analysis of crime data (E/CN.15/2010/14);

(c) Note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice: protection against trafficking in cultural property (E/CN.15/2010/17);

(d) Report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3).

107. The Commission heard statements by the representatives of the Republic of Korea, Chile, China, the Russian Federation, Mexico, Thailand, Argentina, Iran (Islamic Republic of), Canada and Algeria. Statements were also made by the observers for Venezuela (Bolivarian Republic of), Italy, Indonesia and the Syrian Arab Republic.

A. Deliberations

108. In her introductory statement, the representative of the Secretariat gave an overview, based on available information, of recent crime trends at the international level and briefed the Commission on the recent work done by UNODC in consulting with Member States on data collection. She noted that challenges in the area of crime and criminal justice statistics included the limited capacity of some Member States to collect and disseminate crime-related data, the need to increase the rate of response to surveys and the need to improve the coherence of the data provided by Member States. UNODC was working to address those challenges, including through better analysis and dissemination of crime statistics and the promotion of population-based crime victimization surveys. The need to designate national contact points to facilitate the collection of data at the international level was emphasized.

109. Several speakers expressed appreciation for the efforts made by UNODC to provide a comprehensive picture of crime trends and the operations of criminal justice systems around the world. A number of speakers commended UNODC for the report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3), and support was expressed for the efforts being made to streamline the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems.

110. Several speakers noted that the availability of timely, accurate and comprehensive information at the international level was crucial for developing policy, carrying out operational responses and evaluating the impact of crime prevention activities. Some speakers emphasized the increasingly transnational nature of crime, noting that, in a globalized world, it was necessary to strengthen mechanisms for the coordination and exchange of information on crime and criminal justice. In that regard, one speaker highlighted the value of the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems for the international community. Some speakers expressed the view that UNODC should become the main centre for the collection and exchange of information on all kinds of crime-related threats and that the usefulness of a central repository of information on the magnitude of and trends in crime and criminal justice could not be overstated.

111. Most speakers referred to the growing threat posed by forms of organized crime such as drug trafficking, money-laundering, trafficking in persons, smuggling of migrants, cybercrime, environmental crime and corruption. One speaker welcomed the fact that UNODC data-collection initiatives paid attention to both new and traditional types of crime.

112. Several speakers highlighted the need to enhance knowledge about different forms of and trends in organized crime. In particular, speakers highlighted emerging forms of crime that were increasingly being identified as manifestations of, or as having links to, transnational organized crime. Topics raised by speakers included environmental crime, particularly illegal logging and fishing; counterfeiting and piracy of digital media; and trafficking in firearms.

113. One speaker noted that research indicated that counterfeiting represented a lucrative source of income for organized criminal groups and that such income could be used to fund other illicit activities. Another speaker said that, in his country, organized criminal groups appeared to be involved in both the piracy of digital media and drug trafficking. With respect to environmental crime, one speaker observed that illegal logging deprived communities of resources and jeopardized development. Some speakers specifically proposed that emerging types of crime, including counterfeiting, digital piracy and environmental crime, could be the subject of UNODC studies or reports to be submitted to the Commission at future sessions.

114. One speaker highlighted that the challenges posed by transnational organized crime should not be addressed from a security perspective alone and that relevant social and development aspects should also be recognized. In that respect, the speaker referred to a meeting of the Security Council held on 24 February 2010 at which the Council considered the issue of transnational organized crime as a threat to international peace and security. In the view of the speaker, the competent multilateral forums for addressing the issue were the General Assembly and the Economic and Social Council and its functional commissions, including the Commission on Crime Prevention and Criminal Justice.

115. Speakers highlighted the importance of national capacities for the collection and analysis of crime-related data and provided examples of the use of centralized databases and the Web to store and disseminate national-level crime statistics. The availability and accessibility of information were agreed to be of particular

importance. It was noted that technical support, including that provided by UNODC, was crucial to the development of such capacities and to the fight against transnational organized crime and emerging forms of crime.

116. A number of speakers welcomed the recommendations made by the expert group on improving the collection, reporting and analysis of crime data at its meeting held in Buenos Aires from 8 to 10 February 2010 (E/CN.15/2010/14) and expressed the hope that the work of UNODC would continue to be guided by the regular meeting of such groups. One speaker noted that States should have ample opportunity to review the recommendations of the expert group before they were considered by the Commission.

117. One speaker requested UNODC to continue working on streamlining its data collection questionnaires in order to minimize the burden and complexity of reporting for Member States while encouraging the rationalization of the various data collection efforts by different regional and international organizations and taking into account the reporting mechanisms related to the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime.

118. One speaker encouraged UNODC to continue to provide data and analysis relevant to trafficking in cultural property at future sessions of the Commission. The speaker also recommended that documentation submitted under the new item of world crime trends should cover substantive matters of interest to the Commission. Documents submitted to both the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs should include only items of direct relevance to both commissions.

119. The same speaker welcomed the revision of the Eleventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems as it represented a critical step and commitment towards enhancing international crime data collection. The speaker also called upon Member States to provide financial support to UNODC to ensure that efforts to increase the quality and quantity of internationally comparable crime data were supported.

B. Action taken by the Commission

120. At its 10th meeting, on 21 May, the Commission adopted a revised draft resolution (E/CN.15/2010/L.6/Rev.1) sponsored by Argentina, Armenia, Belarus, Canada, Chile, El Salvador, Guatemala, Indonesia, Kazakhstan, Lebanon, Mexico, Norway, the Philippines, the Russian Federation, Ukraine and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. D, resolution 19/2.)

121. At the same meeting, the Commission adopted a draft decision submitted by Italy and Romania, as orally amended. (For the text, see chap. I, sect. D, decision 19/1.)

Chapter V

Consideration of the conclusions and recommendations of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

122. At its 7th and 8th meetings, on 20 May 2010, the Commission considered agenda item 6, entitled "Consideration of the conclusions and recommendations of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice".

123. For its consideration of the item, the Commission had before it the following:

(a) Note by the Secretariat on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2010/11);

(b) Report by the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme network on the activities of the non-governmental organizations and the ancillary meetings: Twelfth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2010/CRP.6).

124. The Chair of the Commission and the Officer-in-Charge of the Division for Treaty Affairs made introductory statements. Statements were made by the observer for Spain (on behalf of the European Union and of Albania, Armenia, Bosnia and Herzegovina, Croatia, Ireland, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine) and by the representatives of China, Austria, the Russian Federation, the Republic of Korea, Canada, Brazil, Iran (Islamic Republic of), the United States, Algeria and the Libyan Arab Jamahiriya. The observer for Finland also made a statement. Statements were also made by the observers for the United Nations Interregional Crime and Justice Research Institute, the Council of Europe, the International Centre for Criminal Law Reform and Criminal Justice Policy, the World Society of Victimology and Penal Reform International.

A. Deliberations

125. Speakers expressed gratitude to the Government of Brazil for having hosted the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and to the Permanent Representative of Brazil to the United Nations (Vienna) for his efforts to ensure a successful outcome. Speakers commended UNODC and the institutes of the United Nations crime prevention and criminal justice programme network for their efforts in preparing and servicing the Congress; the efforts of non-governmental organizations involved in the ancillary meetings were also commended. Several speakers expressed appreciation to the Government of Qatar for its offer to host the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

126. Speakers welcomed the outcome of the Twelfth Congress, as contained in the Salvador Declaration. It was noted that international efforts to fight crime needed to evolve as dynamically as the corresponding crime threats and that the United

Nations was the platform from which the international community could develop legal responses to those challenges.

127. Several speakers emphasized that the United Nations congresses on crime prevention and criminal justice offered an opportunity for policymakers, practitioners, academics and representatives of civil society to exchange relevant views, knowledge and experiences on emerging trends, research and policy development. A number of speakers noted the importance of taking practical steps to address the issue of cybercrime, as recommended in the Salvador Declaration.

128. Speakers recalled the recommendations contained in the report of the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, held in Bangkok from 15 to 18 August 2006 (E/CN.15/2007/6), and noted that the Commission was the appropriate forum to address the way forward with regard to the organization of the next congress.

129. There was extensive discussion on the issues related to the organization of the Twelfth Congress and ways to improve the organization of and preparations for future congresses, including further consideration of the relationship between the Congress and the Commission. Some speakers referred to the need to better organize the work of the Congress and to select fewer topics for consideration and noted that the agenda could be structured differently to allow for more focused and interactive discussions. Ways to improve the organization of the high-level segment and its timing with a view to optimizing the participation of high-level officials and the process of drafting the outcome declaration were also discussed. It was recommended that the preparations for the Thirteenth Congress should commence already at the twentieth session of the Commission, with a view to ensuring an optimal outcome of the Congress.

130. The proposal made by a high-level speaker at the opening of the Twelfth Congress, according to which States would allocate a percentage of recovered proceeds of crime to the delivery of technical assistance by UNODC, was reiterated. Speakers acknowledged the need to provide UNODC with a level of resources commensurate with its mandate and the leading role it played in providing technical assistance.

B. Action taken by the Commission

131. At its 10th meeting, on 21 May, the Commission considered a draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2010/L.9), as orally amended, sponsored by Algeria (on behalf of the Group of 77 and China), Canada, Mexico, the Russian Federation and Turkey. (For the text, see chap. I, sect. A, draft resolution IV.) A representative of the Secretariat read out a financial statement. (For the text, see annex III.) The representative of Cuba noted that approval of the draft resolution would necessitate modifications in the narrative of the programme budget and that the Secretariat had indicated that efforts would be made to adjust the internal programme of the Secretariat so that conference service resources could be made available for the implementation of operative paragraphs 9 and 10, and requested that the Secretariat keep Member States informed should the resources not be

available for the conduct of either of the meetings concerned. At the same meeting, the Commission agreed to recommend that the Council approve the draft resolution for adoption by the Assembly.

132. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2010/L.12/Rev.1) sponsored by Antigua and Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Indonesia, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Suriname, Trinidad and Tobago, Uruguay and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. D, resolution 19/4.)

Chapter VI

Use and application of United Nations standards and norms in crime prevention and criminal justice

133. At its 8th and 9th meetings, on 20 and 21 May 2010, the Commission considered agenda item 7, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". For its consideration of the item, the Commission had before it the following:

(a) Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2010/10);

(b) Report of the meeting of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice held in Bangkok from 23 to 25 March 2009 (E/CN.15/2010/2);

(c) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2010/3-E/CN.15/2010/3);

(d) Report of the Secretary-General on protection against trafficking in cultural property (E/CN.15/2010/4);

(e) Note by the Secretariat on the recommendations of the expert group on protection against trafficking in cultural property (E/CN.15/2010/5);

(f) Note by the Secretariat on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2010/7);

(g) Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2010/12);

(h) Note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice: protection against trafficking in cultural property (E/CN.15/2010/17);

(i) Note by the Secretary-General on supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (E/CN.15/2010/18);

(j) Report submitted by the Chair of the expert group on the outcome of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (A/CONF.213/17);

(k) Note by the Executive Director on drug control, crime prevention and criminal justice: a human rights perspective (E/CN.7/2010/CRP.6-E/CN.15/2010/CRP.1);

(l) Statement submitted by the International Association of Youth and Family Judges and Magistrates (E/CN.15/2010/NGO/1).

134. The Officer-in-Charge of the Organized Crime and Criminal Justice Section of UNODC made an introductory statement. Statements were made by the observer for Spain (on behalf of the European Union and of Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine) and by the representatives of Thailand, China, Canada and Argentina. The Commission also heard statements by the observers for Egypt, Poland and the United Arab Emirates. Statements were also made by the observers for the African Institute for the Prevention of Crime and the Treatment of Offenders, the Japan Federation of Bar Associations, Soroptimist International, Pax Romana, the International Centre for Criminal Law Reform and Criminal Justice Policy, the National Association of Criminal Defense Lawyers, the International Scientific and Professional Advisory Council and the International Association of Anti-Corruption Authorities.

A. Deliberations

1. Use and application of standards and norms

135. Several speakers recognized the importance of United Nations standards and norms in crime prevention and criminal justice, which were seen as valuable tools in the global effort to effectively address crime-related issues. It was noted that those standards and norms provided a comprehensive and useful frame of reference for strengthening national legislation and practice, as well as international cooperation. The standards and norms were described as "soft law" that combined the clarity of international legal instruments with the flexibility of non-binding instruments.

136. Some speakers noted that the standards had been developed over a period of more than half a century and thus covered a variety of issues. A number of standards had become model treaties, while others, like the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[120] had become legally binding conventions. Standards and norms were acknowledged as useful for developing national legislation, improving legal systems and strengthening international cooperation.

137. The essential link between the criminal justice system, human rights and the rule of law, on the one side, and the increased role of standards and norms when addressing security sector reform and good governance, on the other side, was emphasized. Several speakers welcomed the work of UNODC in developing tools and providing technical assistance in the areas of crime prevention and criminal justice, including through the development of regional and thematic programmes and specific projects in substantive areas such as access to justice and legal aid, police oversight and integrity and justice for children. It was stated that the work of UNODC and the role of standards and norms needed to be seen in a broader context, one that included human rights and the rule of law. One speaker stated that while his Government supported the development of manuals and handbooks by expert groups, it cautioned against the development of model laws by such groups when the texts were not submitted to the Commission for its review and consideration.

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[120] Assembly resolution 3452 (XXX), annex.

2. Revisions, updates and supplements to United Nations standards and norms on crime prevention and criminal justice

138. Several speakers proposed revising, updating and supplementing the United Nations standards and norms on crime prevention and criminal justice, and presented different approaches for doing so.

139. One speaker stated that international standards and norms should be seen as a yardstick for safeguarding the rule of law and human rights and that addressing the issues from a national perspective could be useful. He expressed support for the initiative to update existing standards and norms while taking into account national perspectives and experiences and existing international instruments. Account should also be taken of advances in gender-related issues. In that regard, the process for reviewing the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice[121] was referred to as a good example for reviewing and updating other standards and norms.

140. One speaker welcomed the periodic review by the Commission of selected standards and norms, noting that a new approach was needed in the light of new challenges. Another speaker said that the review should be an ongoing process and should allow wider participation of the international community, by, for example, involving the Commission or the United Nations congresses on crime prevention and criminal justice.

141. Reference was made to paragraph 4 of the Salvador Declaration, in which Member States invited the Commission to consider reviewing and, if necessary, updating and supplementing the United Nations standards and norms in crime prevention and criminal justice. One speaker said that although his Government had agreed on the need to take stock of the standards and norms in order to assess whether they needed to be brought in line with new realities, with a view to the provision of more focused technical assistance, he expressed doubt as to whether much more could be done by the Commission.

142. It was stated that given the evolving nature of challenges faced by States, including terrorism, transnational organized crime and corruption, the debate should focus on the enhanced application of existing rules and on systematizing and facilitating the dissemination and use of those norms. With regard to addressing new developments, it was suggested that the focus be placed on urgent areas or on those areas that needed to be updated in order to prevent crime and facilitate cooperation. Such areas included trafficking in cultural property, mutual legal assistance, extradition and confiscation.

143. It was emphasized that organized crime was a serious threat and that standards and norms should be developed to address that challenge. Reference was made to Commission resolution 18/2 on the role of civilian private security services in crime prevention and to a planning meeting that had been held in the United Arab Emirates to organize the work of an intergovernmental expert group to develop new standards and norms in this area. Speakers welcomed the progress that had been made in the implementation of Commission resolution 18/2 and expressed the hope that there would be appropriate follow-up to that resolution.

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[121] Assembly resolution 52/86, annex.

144. The need to develop new standards and norms was emphasized. The work of the Commission in that direction needed to be expanded and looked at in greater depth. Mention was made of the work done in Latin America on improving standards applying to prisoners, as that could provide a basis for a convention on prisoners' rights.

145. The need to ensure geographical representation in the composition of expert groups in the context of any review exercise was noted. In order to be accepted and applied by States, any new standards should reflect the experiences of national systems and address their specific needs.

3. Violence against women

146. Several speakers welcomed the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice and thanked the Government of Thailand for hosting the meeting of the intergovernmental expert group held in Bangkok from 23 to 25 March 2009. It was stated that the adoption of the updated Model Strategies and Practical Measures would send a strong message that the Commission was providing criminal justice responses to violence against women. One speaker explained that the updated Model Strategies and Practical Measures were realistic and could be applied universally, notwithstanding differences in political or religious systems.

4. Women in detention and in custodial and non-custodial settings

147. Several speakers welcomed the development of a set of supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings emerging from the expert group meeting held in Bangkok from 23 to 26 November 2009. Several speakers recalled that the Twelfth Congress had recommended the adoption of the rules and looked forward to their adoption by the General Assembly. Some speakers described national measures taken to address the needs of women and their children in prisons, such as the "mother and child houses" and the exclusion of an indication on a child's birth certificate that the mother was in prison at the time of birth.

5. Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty

148. Commending the quality of the eighth quinquennial report of the Secretary-General on capital punishment and implementation of safeguards guaranteeing protection of the rights of those facing the death penalty (E/2010/10), a number of speakers requested that the Secretariat continue to gather information and produce quinquennial reports in accordance with the relevant resolutions of the Economic and Social Council. The eighth quinquennial report contained significant and comprehensive information on the application of capital punishment and related safeguards. The report confirmed the marked trend to abolish or limit the use of capital punishment.

149. Concern was expressed regarding the lack of adherence in some States to the safeguards guaranteeing protection of the rights of those facing the death penalty. One speaker mentioned that his Government maintained the death penalty but only

for the most serious crimes, such as intentional premeditated murder and serious offences against the security of the State; that Government had taken steps to guarantee the rights of those facing the death penalty, which were established by law.

B. Action taken by the Commission

150. At its 10th meeting, on 21 May, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2010/L.2/Rev.1) sponsored by Albania, Andorra, Bolivia (Plurinational State of), Burkina Faso, Canada, Chile, Côte d'Ivoire, Croatia, El Salvador, Guatemala, Kazakhstan, Mongolia, Namibia, Nigeria, Norway, Peru, the Philippines, Serbia, Spain (on behalf of the European Union), Switzerland, Thailand, Turkey and Ukraine. (For the text, see chap. I, sect. A, draft resolution I.) A representative of the Secretariat read out a financial statement. (For the text, see annex IV). It was noted that the understanding of the Commission was that operative paragraph 4 of the revised draft resolution applied to the operative part of the annex to the revised draft resolution. The representative of Cuba made a statement expressing reservations regarding operative paragraph 19 of the revised draft resolution, which in her Government's view violated established budgetary procedures. The representative of Japan stated that his Government considered that the envisaged arrangements did not contravene established budgetary procedures. The representative of the Islamic Republic of Iran expressed reservations regarding the revised draft resolution, especially the second and fourth preambular paragraphs, and expressed the view that in the drafting of the resolution the significance of national and regional particularities should have been borne in mind, as well as various historical, cultural and religious backgrounds. In addition, he expressed concern that discussion on those matters in the informal consultations on the draft resolution had not been sufficient; his Government, however, joined the consensus. The representative of Saudi Arabia expressed his Government's similar reservations in that regard. At the same meeting, the Commission agreed to recommend that the Council approve the revised draft resolution for adoption by the Assembly.

151. At the same meeting, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2010/L.3/Rev.1) sponsored by Canada, El Salvador, Indonesia, the Netherlands, the Philippines, Thailand, the United States and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. A, draft resolution II.) A representative of the Secretariat read out a financial statement. (For the text, see annex V.) The representative of Cuba made a statement expressing reservations regarding operative paragraphs 10 and 11 and the related financial statement, which in her Government's view violated established budgetary procedures. The representative of Japan stated that in his Government's view the envisaged arrangement did not contravene established budgetary procedures. At the same meeting, the Commission agreed to recommend that the Council approve the revised draft resolution for adoption by the Assembly.

Chapter VII

Strategic management, budgetary and administrative questions

152. At its 9th meeting, on 21 May 2010, the Commission considered agenda item 8, which read as follows:

> "Strategic management, budgetary and administrative questions:
>
> "(a) Work of the working group on governance and finance;
>
> "(b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme."

153. For its consideration of agenda item 8, the Commission had before it the following:

(a) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2010/3-E/CN.15/2010/3);

(b) Report of the Executive Director on the changes required to the strategic framework and their implications for the United Nations Office on Drugs and Crime and for the allocation of resources to the subprogrammes of the programme of work, and the establishment of the independent evaluation unit and the sustainability of the Strategic Planning Unit (E/CN.7/2010/13-E/CN.15/2010/13);

(c) Note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (E/CN.7/2010/16-E/CN.15/2010/16);

(d) Note by the Secretary-General transmitting the proposed strategic framework for the period 2012-2013 (E/CN.15/2010/19);

(e) Proposed strategic framework for the period 2012-2013: part two — biennial programme plan for programme 13 (International drug control, crime and terrorism prevention and criminal justice) (A/65/6 (Prog. 13));

(f) Note by the Secretariat on the financial situation of the United Nations Office on Drugs and Crime (E/CN.15/2010/CRP.5).

154. The Third Vice-Chair of the Commission, in her capacity as presiding officer at the 9th meeting, made a statement on the renewal of the mandate of the Co-Chairs of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC. The Deputy Executive Director of UNODC and Director of the Division for Operations and the Officer-in-Charge of the Independent Evaluation Unit made introductory statements. Statements were made by the representatives of Japan, China, Canada, the United States, the Republic of Korea, Cuba and Argentina. The observers for Spain (on behalf of the European Union and of Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine) and Costa Rica (on behalf of the

Group of Latin American and Caribbean States) made statements. The observers for Norway, Finland and Peru also made statements.

A. Deliberations

155. In his introduction, the Deputy Executive Director emphasized the performance of UNODC in 2009, in particular the Office's unprecedented high levels of implementation. He also provided an overview of the development of the regional and thematic programmes of the Office, the move away from a project-based approach to a programme-based approach, and the realignment of the Division for Operations and the Division for Treaty Affairs. The Deputy Executive Director made reference to the proposed strategic framework for the period 2012-2013 for programme 13, International drug control, crime and terrorism prevention and criminal justice, with Member States being invited to review the proposed biennial programme plan and provide comments to the Committee for Programme and Coordination. A brief overview of the financial situation of UNODC was also provided, with reference being made to the note by the Secretariat on the financial situation of the Office (E/CN.15/2010/CRP.5).

156. The Deputy Executive Director reminded Member States that, while UNODC had seen significant growth in special-purpose voluntary contributions (from $60 million in 2003 to more than $215 million in 2009), general-purpose income had shrunk, and the amount of the regular budget of the United Nations allocated to UNODC remained below 1 per cent of the total regular budget despite the important mandates assigned to the Office. The Deputy Executive Director stated that the significant drop in general-purpose income in 2009 and the projected reduction in 2010 had presented the Office with the immediate challenge of reducing costs; accordingly, dramatic cuts were made in areas funded by general-purpose resources. He emphasized that the present UNODC funding model was not sustainable and made reference to the fact that at the time of adoption of the programme budget of the United Nations for the biennium 2010-2011, the General Assembly had expressed concern regarding the overall financial situation of the Office and requested the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 ensuring that the Office had sufficient resources to carry out its mandate (Assembly resolution 64/243, para. 85). He emphasized that unless action was taken to prevent a future decline, UNODC would have to make further cuts, which, in turn, would have a large impact on its ability to fulfil its mandates.

157. One speaker stated that the report of the Secretary-General on agenda item 5 could be more focused and invited Member States to provide input to UNODC on emerging issues or new forms of crime, to be supplemented by other sources of information or research by UNODC. It was noted that only some parts of that report were relevant to the work of both the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, such as the areas of inter-agency cooperation and matters relating to criminal justice and crime trends.

158. A number of speakers expressed concern regarding the decrease in general-purpose funding and acknowledged that an effective funding structure was a key issue for UNODC. Several speakers expressed hope for more diverse and

predictable sources of general-purpose funds and called on more States to contribute to that type of funds. Several speakers expressed hope that the move towards the thematic and regional programmes and the strengthening of an integrated programmatic approach in UNODC activities would help improve the funding situation. Several speakers highlighted the new possibilities offered by the regional programme approach for more flexible allocation of voluntary contributions. Another speaker requested UNODC to advise Member States on how innovative funding solutions could be applied practically, with the realistic estimation that many States would continue to earmark their contributions. One speaker representing a group of States called for increased transparency in the use of general-purpose funding. A number of speakers noted that these ideas should be discussed further by the working group on governance and finance.

159. Several speakers expressed strong support for an increase in the regular budget funding allocated to UNODC and the hope that, in line with General Assembly resolution 64/243, the proposed programme budget for the biennium 2012-2013 would reflect the real needs of the Office.

160. One speaker referred to the application of programme support cost charges and urged UNODC to strive for application of the standard rate of 13 per cent consistently.

161. Some Member States reiterated the importance of the work of the Independent Evaluation Unit. It was stated that in order to preserve the independence of the Unit, it should be fully funded from the regular budget. The view was expressed that the issues of governance and funding were closely interlinked and that those aspects together with transparency in the utilization of resources could contribute to enhancing confidence and improving the financial situation of the Office.

162. Speakers expressed support for the work of the working group on governance and finance, noting that it provided a forum for dialogue among Member States and between Member States and the Secretariat.

163. A number of Member States welcomed the development of thematic and regional programmes as part of an integrated programme approach and expressed appreciation for that initiative as a catalyst for change and improved efficiency. The realignment of the Division for Operations and the Division for Treaty Affairs was welcomed by Member States. One speaker representing a regional group expressed the hope that the realignment would not affect the visibility and activities of the drug programme of UNODC, particularly as regarded technical assistance.

164. A number of speakers emphasized the importance of results-based management and evaluation in strengthening the performance and effectiveness of UNODC.

165. General support was expressed for the proposed strategic framework for the biennium 2012-2013, which reflected the diversity of the challenges ahead. One representative stated that the areas related to normative work should remain in the Division for Treaty Affairs. It was suggested that subprogramme 4 of programme 13 should be modified to better take into account the mandates of UNODC, that it should be renamed "Crime prevention and criminal justice reform" and that the objective should read as follows: "To prevent and combat crime through the rule of law and the promotion of fair and accountable justice systems in line with the

United Nations standards and norms in crime prevention and criminal justice and other relevant international instruments".

166. One speaker requested the deletion of the term "human security" from the strategic framework for the biennium 2012-2013 since there was no mandate from the General Assembly in that regard. That view was echoed by other speakers, who moreover expressed reservations about the use of a term that had not been agreed upon by the competent United Nations bodies. Another speaker noted the use of the term by UNODC and drew attention to the report of the Secretary-General on human security (A/64/701), noting that discussions concerning the report were ongoing in New York also in view of the preparation of a draft resolution on the matter.

167. UNODC was requested to pay due regard to geographical distribution and gender balance in the recruitment of staff and to keep those recruitment policies in mind during the realignment process.

168. One speaker recalled the provisions of General Assembly resolutions 41/213 and 42/211 and the criteria for use of the contingency fund and appealed to the Commission to respect the provisions of Assembly resolutions on budgetary matters. UNODC was urged to ensure that the resource requirements needed to meet its mandates were appropriately reflected in its submission for the budget proposal for the biennium 2012-2013. One speaker referred to the role of the Commission in relation to relevant budgetary bodies of the United Nations by stating the responsibility of the functional commissions and other bodies to provide appropriate information to the Fifth Committee to assist it in making informed decisions so as to clarify financial implications and prioritize activities.

169. Several speakers requested that at future sessions of the Commission the item on strategic management be considered nearer to the beginning of the agenda and that more members of the Commission be present during the debate on this important topic. Several speakers expressed the hope that the work of the Commission would become more focused and better organized from a substantive point of view, in particular by adhering to the agreed principle of submitting draft resolutions one month in advance, so that deliberations during the week of the Commission's session could be more meaningful, and by agreeing to take up a limited number of topics.

B. Action taken by the Commission

170. At its 9th meeting, on 21 May 2010, pursuant to its resolution 18/3, the Commission renewed the mandate of Norma Goicochea Estenoz (Cuba) and Ignacio Baylina Ruiz (Spain) as Co-Chairs of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC until the twentieth session of the Commission.

171. At its 10th meeting, on 21 May, the Commission considered a draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2010/L.4) sponsored by Canada, El Salvador, Japan, Spain (on behalf of the European Union) and the United States. (For the text, see chap. I, sect. A, draft resolution III.) Prior to the approval of the draft resolution,

a representative of the Secretariat read out a financial statement. (For the text, see annex VI.) The representative of Cuba stated in relation to operative paragraphs 6, 7 and 8 of the draft resolution that the Independent Evaluation Unit should be funded entirely from the regular budget of the United Nations in order to guarantee its impartiality and noted that in the regular budget proposal for the biennium 2012-2013 all the resources required for the funding of the Strategic Planning Unit should be requested. She also expressed support for operative paragraph 13 in the understanding that the Secretariat would request all the necessary resources under the regular budget to stabilize the operation of the Office, in view of General Assembly resolution 64/243. The representative of Algeria also stated that the Independent Evaluation Unit should be funded from the regular budget. The representative of the Russian Federation noted that it was necessary to move to a situation where the Unit was funded from the regular budget.

172. At the same meeting, the Commission approved for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2010/L.14/Rev.1) sponsored by Australia, Costa Rica (on behalf of the Group of Latin American and Caribbean States), Egypt, Ethiopia, Kenya, Indonesia, Iraq, Spain (on behalf of the European Union) and the United States. (For the text, see chap. I, sect. B, draft resolution II.) Prior to the approval of the revised draft resolution for adoption by the Economic and Social Council, the representative of the Islamic Republic of Iran made a statement in explanation of position to the effect that his Government interpreted the draft resolution as meaning that the ownership of all programmes, whether regional or thematic, rested with Member States. While recognizing the role of UNODC in developing programmes, all programmes of the Office should be considered by the Commission.

Chapter VIII

Provisional agenda for the twentieth session of the Commission

173. At its 10th meeting, on 21 May 2010, the Commission considered agenda item 9, entitled "Provisional agenda for the twentieth session of the Commission". For its consideration of the item, the Commission had before it the draft provisional agenda prepared by the extended Bureau of the Commission (E/CN.15/2010/L.18).

174. The Chair of the Commission made an introductory statement. Statements were made by the representatives of Canada, Brazil, Cuba, the United States, Algeria, Turkey and Germany. The observers for Colombia and Egypt also made statements.

A. Deliberations

175. One speaker made a proposal regarding the prominent themes to be considered at the twentieth, twenty-first, twenty-second and twenty-third sessions of the Commission. Several speakers supported that proposal. One speaker proposed that aspects of governance, including the functioning of the Commission and the submission of resolutions, be considered by the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC prior to the sessions. Another speaker noted that the working group dealt mainly with the work of the Office and that consideration of the functioning of the Commission should be conducted by the Commission itself during the intersessional period. This view was shared by another speaker. Several speakers expressed views on how to handle the item on world crime trends and emerging issues, in order to facilitate the preparation of the related documentation by the Secretariat.

B. Action taken by the Commission

176. At its 10th meeting, on 21 May 2010, the Commission recommended to the Economic and Social Council the adoption of a draft decision (E/CN.15/2010/L.18), as orally amended. (For the text, see chap. I, sect. C.)

Chapter IX

Other business

177. No other business was brought to the attention of the Commission.

Chapter X

Adoption of the report of the Commission on its nineteenth session

178. At its 10th meeting, on 21 May 2010, the Commission adopted by consensus the report on its nineteenth session (E/CN.15/2010/L.1 and Add.1-5), as orally amended.

Chapter XI

Organization of the session

A. Informal pre-session consultations

179. At its reconvened eighteenth session, the Commission confirmed the agreement reached at intersessional meetings held on 11 September and 23 November 2009 that the nineteenth session would be held from 17 to 21 May 2010, with informal consultations to be held on the working day preceding the first day of the session. The informal pre-session consultations could devote attention to, inter alia, a preliminary review of draft resolutions to be considered at the nineteenth session of the Commission and made available in advance, as well as the subthemes of the thematic debate of the twentieth session, the theme and subthemes of subsequent sessions and the duration of the twentieth session.

180. At the informal pre-session consultation held on 14 May 2010 and chaired by the First Vice-Chair, the Commission conducted a preliminary review of draft resolutions submitted in advance of the session and examined portions of two documents emerging from working groups of the Commission that had met during the intersessional period (E/CN.15/2010/2, annex, and A/CONF.213/17, annex) and the draft provisional agenda of the twentieth session of the Commission.

B. Opening and duration of the session

181. The Commission on Crime Prevention and Criminal Justice held its nineteenth session in Vienna from 17 to 21 May 2010. The Commission held 10 plenary meetings and 8 meetings of the Committee of the Whole. The Chair of the Commission opened the session and delivered an opening statement. The Executive Director of UNODC made a statement. Statements were also made by the representatives of Algeria (on behalf of the Group of 77 and China) and the Republic of Korea (on behalf of the States Members of the United Nations that are members of the Group of Asian States) and by the observers for Zimbabwe (on behalf of the States Members of the United Nations that are members of the Group of African States), Costa Rica (on behalf of the Group of Latin American and Caribbean States) and Spain (on behalf of the European Union and of Albania, Armenia, Bosnia and Herzegovina, Croatia, Liechtenstein, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine). Statements were also made by the Minister of Justice of Portugal, the Vice-Minister of Justice of China, the Chief Prosecutor of the Republic of Korea, the State Secretary of the Ministry of Justice of Croatia, the Chairman of the State Customs Committee of Azerbaijan and the Deputy Assistant Secretary of State of the Department of State of the United States.

C. Attendance

182. The nineteenth session was attended by representatives of 35 States members of the Commission. Also attending were observers for 7 other States Members of the

United Nations. Palestine was represented by an observer. Representatives of 18 entities of the United Nations system and observers for the institutes of the United Nations crime prevention and criminal justice programme network, 13 intergovernmental organizations and 37 non-governmental organizations in consultative status with the Economic and Social Council also attended. A list of participants is contained in document E/CN.15/2010/INF.1.

D. Election of officers

183. In its resolution 2003/31, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", the Economic and Social Council decided that, with effect from 2004, the Commission should, at the end of each session, elect its bureau for the subsequent session and should encourage the bureau to play an active role in the preparation of the regular session as well as the informal intersessional meetings of the Commission, so as to enable the Commission to provide continuous and effective policy guidance to the United Nations crime prevention and criminal justice programme.

184. Pursuant to Economic and Social Council resolution 2003/31 and rule 15 of the rules of procedure of the functional commissions of the Council, the Commission, at the end of its reconvened eighteenth session, on 4 December 2009, opened its nineteenth session for the sole purpose of electing its bureau for that session. At that meeting, the Commission elected the Chair, the First Vice-Chair, the Second Vice-Chair, the Third Vice-Chair and the Rapporteur. Subsequently, during the intersessional period, the Group of Asian States submitted a new nomination for the office of Second Vice-Chair.

185. At its 1st meeting, on 17 May 2010, the Commission endorsed the designated Second Vice-Chair.

186. At its 5th meeting, on 19 May 2010, the Commission elected Sitona Abdella Osman (Sudan) as its Third Vice-Chair, upon the nomination of the Group of African States, in view of the unavailability of Hakeem Balogun (Ghana), who had been elected by the Commission at the opening of its nineteenth session on 4 December 2009.

187. The officers of the Commission at its nineteenth session were as follows:

Chair:	Eugenio María Curia (Argentina)
First Vice-Chair:	Rüdiger Lüdeking (Germany)
Second Vice-Chair:	Dinkar Khullar (India)
Third Vice-Chair:	Sitona Abdella Osman (Sudan)
Rapporteur:	Simona Manuela Marin (Romania)

188. A group composed of the chairpersons of the five regional groups (the representative of the Republic of Korea and the observers for Australia, Costa Rica, Latvia and Zimbabwe), the representative of Algeria (on behalf of the Group of 77 and China) and the observer for Spain (on behalf of the European Union) was established to assist the Chair of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended

bureau foreseen in Economic and Social Council resolution 2003/31. During the nineteenth session of the Commission, the extended bureau met on 17, 20 and 21 May 2010 to consider matters related to the organization of work.

E. Adoption of the agenda and organization of work

189. At its 1st meeting, on 17 May 2010, the Commission adopted the provisional agenda (E/CN.15/2010/1), which had been approved by the Economic and Social Council in its decision 2009/246. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Thematic discussion on protection against illicit trafficking in cultural property.
4. Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
    (a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;
    (b) Ratification and implementation of the United Nations Convention against Corruption;
    (c) Ratification and implementation of the international instruments to prevent and combat terrorism;
    (d) Other crime prevention and criminal justice matters;
    (e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies.
5. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.
6. Consideration of the conclusions and recommendations of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.
7. Use and application of United Nations standards and norms in crime prevention and criminal justice.
8. Strategic management, budgetary and administrative questions:
    (a) Work of the working group on governance and finance;
    (b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme.
9. Provisional agenda for the twentieth session of the Commission.
10. Other business.
11. Adoption of the report of the Commission on its nineteenth session.

190. Following the adoption of the agenda, the Commission agreed on the provisional organization of work.

F. Documentation

191. The documents before the Commission at its nineteenth session are listed in annex VII to the present report.

G. Closure of the session

192. At its 10th meeting, on 21 May 2010, the Commission heard closing statements by a representative of the Secretariat on behalf of the Executive Director of UNODC and by the Chair of the Commission.

Annex I

Financial statement on the draft resolution entitled "Crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking"

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 2, 13, 16, 17 and 18 of draft resolution E/CN.15/2010/L.10, as amended, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council:

(a) Request the United Nations Office on Drugs and Crime (UNODC), in accordance with its mandate, as a complement to already existing work and in close cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other competent international organizations, to provide appropriate follow-up to the recommendations of the expert group and to convene at least one additional open-ended intergovernmental expert group meeting to submit to the Commission, at its twenty-second session, practical proposals for implementing, where appropriate, the relevant expert group's recommendations, with due attention to aspects of criminalization, international cooperation and mutual legal assistance;

(b) Request UNODC to join UNESCO and other relevant international organizations in promoting and organizing meetings, seminars and similar events to which UNODC can contribute as regards the crime prevention and criminal justice aspects of protection against trafficking in cultural property;

(c) Request UNODC, in accordance with its mandate and in close cooperation with UNESCO and other competent international organizations, to further explore the development of specific guidelines for crime prevention with respect to trafficking in cultural property;

(d) Encourage UNODC to continue to contribute to the cooperative network established between UNESCO, the International Council of Museums, the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law and the World Customs Organization in the areas of trafficking in cultural property and its recovery and return;

(e) Request UNODC, in consultation with Member States, in accordance with its mandate and in close cooperation with UNESCO and other competent international organizations, to jointly explore possible efforts for the collection, analysis and dissemination of relevant data, specifically addressing the relevant aspects of trafficking in cultural property.

3. In order to reflect the provisions of operative paragraph 2, it was envisaged that additional extrabudgetary resources in the amount of $190,600 would be required in order to convene one intergovernmental expert group meeting in Vienna, meeting for a total of 10 meetings (five days) with interpretation services in the

six official languages of the United Nations. The documentation requirements of the working group would include documentation that had already been issued, as well as the recommendations of the working group (16 pages, in the six official languages). The level of resource requirements would also provide for consultancy services.

4. In order to reflect the provisions of operative paragraph 13, it was envisaged that additional extrabudgetary resources in the amount of $24,900 would be required for participation in meetings, seminars and similar events.

5. With regard to operative paragraph 16, it was envisaged that additional extrabudgetary resources in the amount of $74,600 would be required for the development of specific guidelines for crime prevention with respect to trafficking in cultural property.

6. With regard to operative paragraph 17, the contribution to the cooperative network would require additional travel. It was envisaged that additional extrabudgetary resources in the amount of $13,700 would be required for this purpose.

7. With regard to operative paragraph 18, it was envisaged that additional extrabudgetary resources in the amount of $140,500 would be required to prepare a feasibility study requiring the review of existing data-collection activities, data availability in countries and the development of the data-collection instrument.

8. The financial implications for the biennium 2012-2013 would be considered in accordance with established budgetary procedures.

9. Hence, the adoption of draft resolution E/CN.15/2010/L.10, as amended, would not entail any programme budget implications for the biennium 2010-2011.

Annex II

Financial statement on the revised draft resolution entitled "Strengthening public-private partnerships to counter crime in all its forms and manifestations"

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 3, 5, 6 and 9 of revised draft resolution E/CN.15/2010/L.5/Rev.1, the Commission on Crime Prevention and Criminal Justice would:

(a) Request the United Nations Office on Drugs and Crime (UNODC), in cooperation with Member States, to collect, analyse and disseminate information from Member States on their efforts to promote public-private partnerships to counter crime in all its forms and manifestations, as well as to include such information in the Office's data-collection activities;

(b) Request UNODC to identify, under the guidance of Member States, priority areas for such partnerships to be strengthened within the Office;

(c) Also request UNODC, within its mandate, to strive to involve the private sector, as appropriate, in its activities to counter crime in all its forms and manifestations;

(d) Further request UNODC to inform Member States regularly about its engagement with the private sector and about related processes and results.

3. Should the Commission adopt revised draft resolution E/CN.15/2010/L.5/Rev.1, it was envisaged that additional extrabudgetary resources in the amount of $211,600 would be required on a yearly basis in the Co-Financing and Partnership Section in order to collect the requested information from Member States and evaluate and analyse priority areas for partnership. The level of resource requirements would provide for one Professional post at the P-4 level.

4. Furthermore, additional resources in the amount of $98,300 would be required in the Statistics and Survey Section to set up the infrastructure required for starting up this new data-collection process.

5. The overarching regulatory framework that governs the acceptance of cash contributions is promulgated in regulations 3.11 and 3.12 of the Financial Regulations and Rules of the United Nations, which provide in their pertinent part that contributions, whether or not in cash, may be accepted by the Secretary-General provided that the purpose for which the contributions are made is consistent with the policies, aims and activities of the Organization.

6. In addition, on 20 November 2009, the Secretary-General issued revised Guidelines on Cooperation between the United Nations and the Business Sector. These guidelines provide a comprehensive and coherent set of criteria for the selection of a business partner that should be followed by UNODC. Paragraph 9 of article III ("Choosing a partner") specifically requires all United Nations entities to

use the criteria and principles set forth in the United Nations Global Compact as a point of reference in choosing a business sector partner.

7. The Organization is committed to adhering to the highest ethical standards. Before accepting contributions from private sector sources, the Organization, therefore, would normally conduct a thorough due diligence review so as to refute affirmatively any concerns it may have in respect of such prospective donors and to be convinced that these donors are able to meet all standards set forth in the revised Guidelines.

8. The budgetary requirements for the biennium 2012-2013 would be reviewed in accordance with established budgetary procedures.

9. Hence, the adoption of revised draft resolution E/CN.15/2010/L.5/Rev.1 would not entail any programme budget implications for the biennium 2010-2011.

Annex III

Financial statement on the draft resolution entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice"

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 9 and 10 of draft resolution E/CN.15/2010/L.9, as amended, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly:

(a) Request the Commission to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened prior to the twentieth session of the Commission, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime;

(b) Also request the Commission to establish, in line with paragraph 49 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened between the twentieth and twenty-first sessions of the Commission, to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

3. By operative paragraph 9 of draft resolution E/CN.15/2010/L.9, the Commission would establish an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime.

4. In order to reflect the provisions of operative paragraph 9, the narrative of subprogramme 1 ("Rule of law") of section 16 ("International drug control, crime and terrorism prevention and criminal justice") of the proposed programme budget for the biennium 2010-2011 would need to be modified. The following output would need to be added under paragraph 16.55 (a) (iii) b: "report of the open-ended intergovernmental expert group to conduct a comprehensive study on the problem of cybercrime".

5. Should the Commission adopt operative paragraph 9, resources in the amount of $135,700 would be required under section 2 ("General Assembly and Economic and Social Council affairs and conference management") of the programme budget

for the biennium 2010-2011, in order to provide for conference servicing of the open-ended intergovernmental expert group, meeting for a total of 10 meetings (five days), with interpretation in the six official languages of the United Nations. The documentation requirements of the working group would include documentation that had already been issued, as well as the recommendations of the working group (16 pages, in the six languages). The Department for General Assembly and Conference Management of the Secretariat has indicated that the requirements can be met only on an "if available" basis. The availability of such resources, the timelines for the submission and processing of documentation as well as the dates for the meetings of the working group would have to be determined in consultation between the Commission secretariat and the Department, so that no additional conference servicing resources would be required with regard to the implementation of the provisions contained in operative paragraph 9.

6. By operative paragraph 10 of revised draft resolution E/CN.15/2010/L.9, the Commission would establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

7. In order to reflect the provisions of operative paragraph 10, the narrative of subprogramme 1 ("Rule of law") of section 16 ("International drug control, crime and terrorism prevention and criminal justice") of the proposed programme budget for the biennium 2010-2011 would need to be modified. The following output would need to be added under paragraph 16.55 (a) (iii) b: "report of the open-ended intergovernmental expert group to review the United Nations standards and norms in crime prevention and criminal justice".

8. Should the Commission adopt operative paragraph 10, resources in the amount of $135,700 would be required under section 2 ("General Assembly and Economic and Social Council affairs and conference management") of the programme budget for the biennium 2010-2011, in order to provide for conference servicing of the open-ended intergovernmental expert group, meeting for a total of 10 meetings (five days), with interpretation in the six official languages of the United Nations. The documentation requirements of the working group would include documentation that had already been issued, as well as the recommendations of the working group (16 pages, in the six languages). The Department for General Assembly and Conference Management of the Secretariat has indicated that the requirements can be met only on an "if available" basis. The availability of such resources, the timelines for the submission and processing of documentation as well as the dates for the meetings of the working group would have to be determined in consultation between the Commission secretariat and the Department, so that no additional conference servicing resources would be required with regard to the implementation of the provisions contained in operative paragraph 10.

9. The financial implications for the biennium 2012-2013 would be considered in accordance with established budgetary procedures.

10. Hence, the adoption of draft resolution E/CN.15/2010/L.9, as amended, would not entail any programme budget implications for the biennium 2010-2011.

Annex IV

Financial statement on the revised draft resolution entitled "Strengthening crime prevention and criminal justice responses to violence against women"

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraph 19 of revised draft resolution E/CN.15/2010/L.2/Rev.1, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly request the United Nations Office on Drugs and Crime to intensify its efforts to ensure the widest possible use and dissemination of the updated Model Strategies and Practical Measures, including through the development or revision of relevant tools, such as handbooks, training manuals, programmes and modules, including online capacity-building modules for each section of the updated Model Strategies and Practical Measures, as an efficient and practical way to disseminate the relevant content, and invite Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations.

3. Should the Commission adopt revised draft resolution E/CN.15/2010/L.2/Rev.1, it was envisaged that additional extrabudgetary resources in the amount of $455,800 would be required in order to implement the activities relating to operative paragraph 19, namely the development of online training modules for relevant professionals and a guide for legislators/policymakers based on the revised and updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

4. The level of resource requirements would provide for:

(a) General temporary assistance to cover the work associated with the planning, implementing and backstopping of the expanded mandates arising from the adoption of the resolution. The general temporary assistance would support the work associated with the provision of technical assistance and advisory services to Member States to support national efforts to strengthen crime prevention and criminal justice responses to violence against women;

(b) Consultancy services for the development of online training modules for relevant professionals;

(c) Consultancy services for the development of a guide for legislators/policymakers;

(d) A three-day expert group meeting in Vienna to revise and finalize the training modules and the guide, to be held in English only and with air travel provided in economy class;

(e) Information technology costs related to the online training modules for relevant professionals;

(f) Translation into five official languages of the United Nations (Arabic, Chinese, French, Russian and Spanish) and printing of the guide for legislators/policymakers based on the revised and updated Model Strategies and Practical Measures in the six official languages of the United Nations;

(g) Official travel of staff to provide technical assistance and advisory services to Member States, upon request, to develop or strengthen — as appropriate — crime prevention and criminal justice capacities to address violence against women in line with the updated Model Strategies and Practical Measures.

5. Hence, the adoption of revised draft resolution E/CN.15/2010/L.2/Rev.1 would not entail any programme budget implications for the biennium 2010-2011.

Annex V

Financial statement on the revised draft resolution entitled "United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)"

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 10 and 11 of revised draft resolution E/CN.15/2010/L.3/Rev.1, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly:

(a) Request the United Nations Office on Drugs and Crime to provide technical assistance and advisory services to Member States, upon request, in order to develop or strengthen, as appropriate, legislation, procedures, policies and practices for women in prison and on alternatives to imprisonment for women offenders;

(b) Also request the Office to take steps, as appropriate, to ensure broad dissemination of the Bangkok Rules, as a supplement to the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), and the intensification of information activities in this area.

3. Should the Commission adopt revised draft resolution E/CN.15/2010/L.3/Rev.1, it was envisaged that additional extrabudgetary resources in the amount of $274,300 would be required in order to implement the activities relating to operative paragraphs 10 and 11.

4. The level of resource requirements would provide for:

(a) General temporary assistance to cover the work associated with the planning, implementing and backstopping of the expanded mandates arising from the adoption of the resolution. The general temporary assistance would support the development of online training modules based on the adopted United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders and the organization of the expert group meeting in Vienna to revise and finalize the training modules. General temporary assistance would also be required for the biennium to cover the work associated with the provision of technical assistance and advisory services to Member States;

(b) Official travel of staff to provide technical assistance and advisory services to Member States, upon request, to develop or strengthen — as appropriate — legislation, procedures, policies and practices for women in prison and on alternatives to imprisonment for women offenders (12 countries);

(c) Consultancy services for the development of online training modules for relevant professionals on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders;

(d) A three-day expert group meeting in Vienna to revise and finalize the training modules, to be held in English only, and with air travel provided in economy class;

(e) Information technology costs related to the online training modules for relevant professionals.

5. Hence, the adoption of revised draft resolution E/CN.15/2010/L.3/Rev.1 would not entail any programme budget implications for the biennium 2010-2011.

Annex VI

Financial statement on the draft resolution entitled "Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework"

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 6, 7 and 13 of draft resolution E/CN.15/2010/L.4, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly:

(a) Recall that, in Commission resolution 18/6 of 3 December 2009, the Commission decided that the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime (UNODC) should contain adequate provisions for the establishment of a sustainable, effective and operationally independent evaluation unit, and urge the Secretariat to swiftly implement that decision and commence with the re-establishment of the independent evaluation unit without further delay;

(b) Request the Executive Director of UNODC to ensure the sustainability of the Strategic Planning Unit, consistent with the importance of its functions;

(c) Request the Secretary-General, in his proposed programme budget for the biennium 2012-2013, to devote due attention to the resource requirements for meeting the mandates entrusted to UNODC, taking into account the relevant crime prevention and criminal justice mandates and the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, with particular focus on under-resourced areas.

3. At the time of adoption of its resolution 18/6, the Commission was informed that an independent evaluation unit would be established under the Office of the Executive Director. This unit would be funded partly through redeployment of resources from the programme budget of the United Nations and partly through voluntary contributions. It was proposed to redeploy the vacant programme budget post at the P-5 level of Chief, Strategic Planning Unit, allocated under subprogramme 2, Policy and trend analysis, to executive direction and management.

4. The Commission was also informed that in addition to the P-5 post funded under the programme budget, voluntary contributions would be required to ensure the effective and operational functioning of the independent evaluation unit. To be fully operational, the unit would need:

(a) To be staffed as follows: one P-5 post, head of unit, funded from the programme budget of the United Nations, and five posts funded from voluntary contributions (one P-4, one P-3, one P-2 and two General Service (Other level));

(b) To have an operational budget for evaluation work. In addition to the resources under the programme budget, this would represent a requirement of $1,560,000 per biennium to be funded from voluntary contributions. The current level of voluntary contributions available for evaluation being $800,000, an additional $760,000 would be required to ensure the effective functioning of the independent evaluation unit in the biennium 2010-2011.

5. At the request of the Commission, the Independent Evaluation Unit had been re-established and placed in the Office of the Executive Director, while preserving the Unit's functional and operational independence. To date, the P-5 programme budget post had been redeployed from subprogramme 2 to executive direction and management; that would be regularized in the programme budget for the biennium 2010-2011 should the Economic and Social Council and the General Assembly endorse the permanent move of the post. In the meantime, the recruitment process had been initiated and the post was advertised as of 9 March, 2010. The Unit was currently composed of one P-4 and one General Service (Other level) post funded from voluntary contributions, and one Junior Professional Officer post would be filled before the end of 2010.

6. As a consequence of the assignment and proposed redeployment of the P-5 post (Chief, Strategic Planning Unit) to the Independent Evaluation Unit, the Strategic Planning Unit was currently fully funded from voluntary contributions and consisted of one P-4 post, one P-3 post and one General Service (Other level) post. To ensure the proper undertaking of strategic planning functions, resources would be required to provide for six posts (one P-5, one P-4, one P-3, one P-2 and two General Service (Other level)) and an operational budget. This would represent a requirement of $1,680,000 per biennium to be funded from voluntary contributions. The current level of voluntary contributions available for strategic planning being $739,200, an additional $940,800 would be required to ensure the effective functioning of the Strategic Planning Unit in the biennium 2010-2011.

7. Resource requirements for the biennium 2012-2013 would be reviewed in accordance with established budgetary procedures.

8. Hence, the adoption of draft resolution E/CN.15/2010/L.4 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

Annex VII

List of documents before the Commission at its nineteenth session

Symbol	*Agenda item*	*Title or description*
A/65/6 (Prog. 13)	8	Proposed strategic framework for the period 2012-2013: part two – biennial programme plan for programme 13 (International drug control, crime and terrorism prevention and criminal justice)
A/CONF.213/3	5	Report of the Secretary-General on the state of crime and criminal justice worldwide
A/CONF.213/17	7	Report submitted by the Chair of the expert group on the outcome of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings
E/2010/10	7	Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty
E/CN.15/2010/1	2	Provisional agenda and annotations
E/CN.15/2010/2	7	Report of the meeting of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice held in Bangkok from 23 to 25 March 2009
E/CN.7/2010/3- E/CN.15/2010/3	5 and 8	Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime
E/CN.15/2010/4	3 and 7	Report of the Secretary-General on protection against trafficking in cultural property
E/CN.15/2010/5	3	Note by the Secretariat on the recommendations of the expert group on protection against trafficking in cultural property
E/CN.15/2010/6	3	Note by the Secretariat on the discussion guide for the thematic discussion on protection against trafficking in cultural property
E/CN.15/2010/7	7	Note by the Secretariat on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty
E/CN.15/2010/8	4 (a) and (b)	Report of the Executive Director on international cooperation in combating transnational organized crime and corruption
E/CN.15/2010/9	4 (c)	Report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism

Symbol	*Agenda item*	*Title or description*
E/CN.15/2010/10	4 (e)	Report of the Secretary-General on the activities of the institutes of the United Nations crime prevention and criminal justice programme network
E/CN.15/2010/11	6	Note by the Secretariat on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2010/12	7	Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice
E/CN.7/2010/13- E/CN.15/2010/13	8	Report of the Executive Director on changes required to the strategic framework and their implications for the United Nations Office on Drugs and Crime and for the allocation of resources to the subprogrammes of the programme of work, and the establishment of the independent evaluation unit and the sustainability of the Strategic Planning Unit
E/CN.15/2010/14	5	Report of the Executive Director on the activities of the expert group on improving the collection, reporting and analysis of crime data
E/CN.15/2010/15	4 (e)	Report of the Board of Trustees on major activities of the United Nations Interregional Crime and Justice Research Institute
E/CN.7/2010/16- E/CN.15/2010/16	8 (a)	Note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime
E/CN.15/2010/17	3 and 5	Note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice: protection against trafficking in cultural property
E/CN.15/2010/18	7	Note by the Secretary-General on supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings
E/CN.15/2010/19	8	Note by the Secretary-General on the proposed strategic framework for the period 2012-2013
E/CN.15/2010/L.1 and Add.1	10	Draft report of the Commission on its nineteenth session
E/CN.15/2010/L.2/Rev.1	7	Strengthening crime prevention and criminal justice responses to violence against women: revised draft resolution
E/CN.15/2010/L.3/Rev.1	7	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules): revised draft resolution
E/CN.15/2010/L.4	8 (b)	Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework: draft resolution

Symbol	*Agenda item*	*Title or description*
E/CN.15/2010/L.5/Rev.1	4 (d)	Strengthening public-private partnerships to counter crime in all its forms and manifestations: revised draft resolution
E/CN.15/2010/L.6/Rev.1	5	Strengthening the collection, analysis and reporting of comparable crime-related data: revised draft resolution
E/CN.15/2010/L.7	4 (d)	Hosting of the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors by the Republic of Korea: draft resolution
E/CN.15/2010/L.8	4 (e)	Follow-up to the regional expert meeting on the United Nations Office on Drugs and Crime regional programme on drug control, crime prevention and criminal justice reform in the Arab States for the period 2011-2015, held in Cairo from 27 to 29 April 2010: draft resolution
E/CN.15/2010/L.9	6	Twelfth United Nations Congress on Crime Prevention and Criminal Justice: draft resolution
E/CN.15/2010/L.10	3	Prevention of and protection and international cooperation against illicit trafficking in cultural property: draft resolution
E/CN.15/2010/L.11	4	Strengthening of international support for States in West Africa in their efforts to combat transnational organized crime groups: draft resolution
E/CN.15/2010/L.12/Rev.1	6	Measures for achieving progress on the issue of trafficking in persons, pursuant to the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World: revised draft resolution
E/CN.15/2010/L.13/Rev.1	4 (d)	International cooperation in the forensic field: revised draft resolution
E/CN.15/2010/L.14/Rev.1	4	Support for the development and implementation of an integrated approach to programme development at the United Nations Office on Drugs and Crime: revised draft resolution
E/CN.15/2010/L.15/Rev.1	4 (d)	Countering maritime piracy off the Coast of Somalia: revised draft resolution
E/CN.15/2010/L.16	5	Strengthening crime prevention and criminal justice responses to counterfeiting and piracy: draft resolution
E/CN.15/2010/L.17/Rev.1	4 (d)	Strengthening of regional networks for international cooperation in criminal matters: revised draft resolution
E/CN.7/2010/CRP.6- E/CN.15/2010/CRP.1	7	Note by the Executive Director on drug control, crime prevention and criminal justice: a human rights perspective

Symbol	*Agenda item*	*Title or description*
E/CN.15/2010/CRP.2	4	Report on observations and conclusions of the session on the use of forensic sciences to combat and prevent identity-related crime held during the fourth meeting of the Core Group of Experts on Identity-Related Crime
E/CN.15/2010/CRP.3	4 (d)	Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: fourth meeting of the Core Group of Experts on Identity-Related Crime
E/CN.15/2010/CRP.4	4 (d)	Identity theft: an inventory of best practices on public-private partnerships to prevent economic fraud and identity-related crime
E/CN.15/2010/CRP.5	8	Note by the Secretariat on the financial situation of the United Nations Office on Drugs and Crime
E/CN.15/2010/CRP.6	6	Report by the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme on the activities of the non-governmental organizations and the ancillary meetings: Twelfth United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2010/NGO/1	7	Statement submitted by the International Association of Youth and Family Judges and Magistrates
E/CN.15/2010/INF/1		List of participants